

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GREGORY BROOKS,)
)
Plaintiff,)
)
vs.) Case No. 17-3626
)
THE DOE FUND, INC., TERRY)
COOPER individually and in his)
official capacity, JAMES)
WASHINGTON individually and in)
his official capacity, and)
ANTHONY WIGGINS individually)
and in his official capacity,)
)
Defendants.)
-----)

CONFIDENTIAL DEPOSITION OF GREGORY BROOKS

New York, New York

Thursday, June 7, 2018

Reported by: MICHELLE COX

Job No: 142124

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 June 7, 2018</p> <p>6 10:13 p.m.</p> <p>7</p> <p>8 Confidential Deposition of GREGORY BROOKS,</p> <p>9 held at the offices of Jackson Lewis LLP, 666</p> <p>10 Third Avenue, New York, New York, pursuant to</p> <p>11 Notice, before Michelle Cox, a Certified</p> <p>12 LiveNote Reporter and Notary Public of the</p> <p>13 State of New York and New Jersey.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 DEREK SMITH LAW GROUP</p> <p>5 Attorneys for Plaintiff</p> <p>6 1 Pennsylvania Plaza</p> <p>7 New York, NY 10119</p> <p>8 BY: KELLY O'CONNELL, ESQ.</p> <p>9</p> <p>10 JACKSON LEWIS</p> <p>11 Attorneys for The Doe Fund and</p> <p>12 James Washington</p> <p>13 666 Third Avenue</p> <p>14 New York, NY 10017</p> <p>15 BY: STEVEN SEIDENFELD, ESQ.</p> <p>16 LORI BAUER, ESQ.</p> <p>17</p> <p>18 LEWIS BRISBOIS</p> <p>19 Attorneys for Terry Cooper</p> <p>20 77 Water Street</p> <p>21 New York, NY 10005</p> <p>22 BY: BRADLEY BARTOLOMEO, ESQ.</p> <p>23</p> <p>24 ALSO PRESENT: Eunice Gilmore</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>3 between the attorneys for the respective</p> <p>4 parties herein, that filing and sealing be and</p> <p>5 the same are hereby waived.</p> <p>6 IT IS FURTHER STIPULATED AND AGREED that</p> <p>7 all objections, except as to the form of the</p> <p>8 question, shall be reserved to the time of the</p> <p>9 trial.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED that</p> <p>11 the within deposition may be sworn to and</p> <p>12 signed before any officer authorized to</p> <p>13 administer an oath, with the same force and</p> <p>14 effect as if signed and sworn to before the</p> <p>15 Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 GREGORY BROOKS, called as a witness,</p> <p>3 having been duly sworn by a Notary Public, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION BY</p> <p>6 MR. SEIDENFELD:</p> <p>7 Q Good morning, Mr. Brooks. I introduced</p> <p>8 myself to you before, but let me do so on the</p> <p>9 record.</p> <p>10 My name is Steven Seidenfeld, and I'm here</p> <p>11 with Lori Bauer, and we're from the law firm of</p> <p>12 Jackson Lewis, and we represent the defendant,</p> <p>13 The Doe Fund, and defendant, James Washington,</p> <p>14 in the lawsuit that you have filed against them</p> <p>15 in the Eastern District of New York.</p> <p>16 Also sitting with me is Eunice Gilmore,</p> <p>17 who is the director of human resources for The</p> <p>18 Doe Fund, and Brad Bartolomeo, who represents</p> <p>19 defendant, Terry Cooper.</p> <p>20 Have you ever had your deposition taken</p> <p>21 before --</p> <p>22 A No.</p> <p>23 Q Okay. So the purpose of taking a</p> <p>24 deposition today is for me to ask you some</p> <p>25 questions to find out more about the lawsuit</p>

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 you're bringing. Along those things I'll be asking you a series of questions.

So a deposition is a little unlike the regular conversation, in that we have our court reporter, Michelle, taking down everything that I ask and that you answer.

So just go over a few ground rules to make sure we have a clear record.

Does that make sense?

A Yes.

Q So the first difference is that in a regular conversation I might start asking a question, and by the time I'm two-thirds of way through it, you'll know the answer and you'll jump in and you'll answer.

If you do that here today, the court reporter won't be able to take down both my full question and your answer.

So I ask that when I'm asking you a question you let me finish. And if I interrupt you please let me know and I'll let you finish.

Do you understand?

A I do.

Q The other difference between a deposition

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 and a regular conversation is that in regular conversation, when I ask you a question, you might respond by either shaking your head or nodding your head or saying uh-huh or uh-uh. If you do that today, the court reporter won't be able to take that down.

So I ask that in response to my questions that you try and make sure your answers are audible and that you either say "yes" or "no." And if you forget, we'll make sure to remind you. You won't be the first.

I want to make sure that you understand the questions I ask.

So if there's something I've asked you and you don't understand, please let me know.

Do you understand?

A I understand.

Q If I ask a question and you answer, I'm going to assume that you heard my question, understood it and gave your best answer.

Do you understand?

A I do.

Q If a question calls for a yes-or-no answer, I'd like for to you answer "yes" or

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 "no." If you feel that there's something additional that you'd like to explain, just let me know and we can do that.

Does that make sense?

A Yes.

Q Breaks.

This isn't an endurance test. If at any time today you need to take a break, just let us know -- the only -- and you can take one.

The exception is if there's a question pending, I'll ask that you answer the question first and then we can take a break.

Do you understand?

A Yes.

Q Objections.

At times your attorney, Ms. O'Connell, may object. For the most part this is just for the record and after she objects, you can go ahead and answer my questions, unless she directs you not to answer, which will be rare in a deposition like this.

Do you understand?

A Yes.

Q Do you understand the oath that you took

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 is the same as if you were in court?

A Yes.

Q And you understand that you have to tell to the truth?

A Yes.

Q Even if you think it will hurt your case?

A Yes.

Q And you understand that there are consequences associated with not telling the truth when you're under oath?

A Yes.

Q Is there anything today prohibiting you from giving responsive answers to my questions?

A No.

Q Are you taking any medications or drugs that are preventing you from giving responsive answers?

A I take medication, but it shouldn't stop me from giving you answers.

Q Okay. The medication doesn't affect your memory?

A No.

Q You had a good night sleep last night?

A Not really.

<p style="text-align: right;">Page 10</p> <p>1 Brooks - Confidential</p> <p>2 Q You think it will affect your ability to</p> <p>3 give -- understand my questions and give</p> <p>4 truthful answers?</p> <p>5 A No.</p> <p>6 Q Any other reasons that you can't provide a</p> <p>7 truthful and responsive answer to any of my</p> <p>8 questions today?</p> <p>9 A No.</p> <p>10 Q I'm just going to ask you a little bit</p> <p>11 about what you did to prepare for today's</p> <p>12 deposition.</p> <p>13 Did you review any documents?</p> <p>14 A I went over it, but I didn't have much</p> <p>15 time to review it.</p> <p>16 Q Okay.</p> <p>17 A I work.</p> <p>18 Q I'm sorry?</p> <p>19 A I work, so I didn't have much time to</p> <p>20 review. I tried to, though.</p> <p>21 Q What documents did you try and review?</p> <p>22 A Trying to understand what this process is</p> <p>23 like, the deposition, the deposition process.</p> <p>24 Q What documents did you look at to help you</p> <p>25 understand what the deposition process was?</p>	<p style="text-align: right;">Page 11</p> <p>1 Brooks - Confidential</p> <p>2 A I can't remember the title of it. It just</p> <p>3 described depositions, that I will be asked</p> <p>4 questions and I had to answer honestly.</p> <p>5 That's pretty much what I got out of it.</p> <p>6 But I didn't get to read it all.</p> <p>7 Q What was -- I understand you didn't get to</p> <p>8 read it all and you don't know the title.</p> <p>9 But what was it?</p> <p>10 What was in it, generally?</p> <p>11 A A breakdown of this proceeding.</p> <p>12 Q And what did it say about this proceeding?</p> <p>13 A That I was going to be asked question and</p> <p>14 that I had to answer them.</p> <p>15 Q Do you know if that's a document that you</p> <p>16 provided to us in response to our request for</p> <p>17 this litigation?</p> <p>18 A No, it's not.</p> <p>19 Q Is it something that your attorneys</p> <p>20 prepared for to you review?</p> <p>21 A Yes.</p> <p>22 Q Okay. Did you look at any of the</p> <p>23 pleadings in this case?</p> <p>24 A The pleadings?</p> <p>25 Q Yes, sure.</p>
<p style="text-align: right;">Page 12</p> <p>1 Brooks - Confidential</p> <p>2 Do you know what I'm referring to?</p> <p>3 A No.</p> <p>4 What are you referring to?</p> <p>5 Q You know you filed a complaint to start</p> <p>6 this litigation?</p> <p>7 A Yes.</p> <p>8 Q Did you review that?</p> <p>9 A Yes, a while ago.</p> <p>10 Q Do you know when that was?</p> <p>11 A Maybe last year sometime.</p> <p>12 Q Okay. Have you reviewed any -- strike</p> <p>13 that.</p> <p>14 You know that we had asked you to provide</p> <p>15 certain documents in connection with this case.</p> <p>16 Have you reviewed any of the documents</p> <p>17 that you provided to your counsel that were</p> <p>18 produced to us?</p> <p>19 A Have I reviewed any of the documents that</p> <p>20 I provided to my counsel --</p> <p>21 Q Yes.</p> <p>22 A -- to provide to you?</p> <p>23 Q In preparation for your deposition today.</p> <p>24 A No.</p> <p>25 Q Have you reviewed any of the documents</p>	<p style="text-align: right;">Page 13</p> <p>1 Brooks - Confidential</p> <p>2 that The Doe Fund produced to your attorneys in</p> <p>3 preparation for today's deposition?</p> <p>4 A No.</p> <p>5 Q Did you review -- do you have any notes</p> <p>6 about your deposition?</p> <p>7 A No.</p> <p>8 Q I know in this case you produced some</p> <p>9 audio recordings.</p> <p>10 Have you reviewed those in preparation for</p> <p>11 your deposition?</p> <p>12 A No.</p> <p>13 Q Do you have any audio recordings that's</p> <p>14 relevant to your case that you haven't provided</p> <p>15 to your attorneys?</p> <p>16 A No.</p> <p>17 Q Other than with Ms. O'Connell or anyone</p> <p>18 else from her firm, have you discussed your</p> <p>19 deposition with anyone else?</p> <p>20 A No.</p> <p>21 Q Any family members?</p> <p>22 A No.</p> <p>23 I told my employee [sic] that I had to</p> <p>24 come and do something with my lawyer. That's</p> <p>25 how I got off of work.</p>

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1 Brooks - Confidential
 2 Q Okay. Who is your employer?
 3 A MaidPro.
 4 Q And what did you say?
 5 A I told him I had to see my lawyer. I was
 6 going through some type of court proceeding.
 7 Q And who did you say that to?
 8 A My boss.
 9 Q What's your boss' name?
 10 A John.
 11 Q Do you know John's last name?
 12 A Debaer or something like that. I don't
 13 know how to pronounce it.
 14 Q Do you know how to spell it?
 15 A No, but I have it in my phone.
 16 Q Okay. At a break, maybe, we can give it
 17 to the court reporter so we can have a clean
 18 record.
 19 (Brief interruption.)
 20
 21 Q Mr. Brooks, earlier you mentioned that you
 22 had taken some medication this morning.
 23 What was the medication?
 24 A I didn't say that.
 25 Q I am sorry.

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1 Brooks - Confidential
 2 Q Sure --
 3 A -- any time.
 4 Q -- this time. Most recently.
 5 A About a couple of months ago.
 6 Q How did you -- strike that.
 7 How did you find Ms. O'Connell's law firm
 8 to represent you?
 9 A On the Internet.
 10 Q And did you call them up?
 11 A Yes.
 12 Q Okay. And do you know when that was?
 13 A It was a couple of years ago.
 14 Q Was it while you were still a -- well,
 15 strike that.
 16 Was it while you were still a participant
 17 in the Ready, Willing & Able program?
 18 A No, I was not.
 19 Q Was it when you were still living at The
 20 Doe Fund's Gates' Avenue facility?
 21 A I believe so, yes.
 22 Q At what point were you no longer a
 23 participant -- when do you believe you were not
 24 longer a participant in the Ready, Willing &
 25 Able program?

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1 Brooks - Confidential
 2 What did you say?
 3 A I said I take medication.
 4 Q Okay. And when -- what medication do you
 5 take?
 6 A Sleeping medication.
 7 Q Do you know what it is?
 8 A Trazodone or something like that.
 9 Q When's the last time you took Trazodone?
 10 A Couple of days ago.
 11 Q Is it prescribed to you by a doctor?
 12 A Yes.
 13 Q Do you know the name of the doctor?
 14 A I forgot how to pronounce her name.
 15 Q Do you know how to spell it?
 16 A Luda, or something like that. I don't
 17 know, it's an African name.
 18 Q Where is the doctor located?
 19 A In Brooklyn.
 20 Q Where in Brooklyn?
 21 A The clinic that I go to. Brooklyn Center
 22 Health Clinic, Brooklyn Plaza.
 23 Q And when were you first prescribed the
 24 sleeping medication?
 25 A This time or any --

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1 Brooks - Confidential
 2 A Maybe it was November. Maybe in
 3 November 2017, when I got my own job.
 4 Q November 2017?
 5 A Maybe. I'm not quite sure. I'm not
 6 really good with dates.
 7 Q So I'm going to be asking you -- we're
 8 going to go over your allegations, and I'm
 9 going to ask you, to the best you recall when
 10 things happened.
 11 If you don't recall the exact date, let me
 12 know. If you recall a range, that's fine, too.
 13 And we'll work to see if we can help you
 14 remember.
 15 Okay?
 16 A Okay.
 17 Q So did Ms. O'Connell's law firm represent
 18 you when you filed your charge with the EEOC?
 19 A Yes.
 20 Q Do you know when that was?
 21 A No.
 22 Q If I told you it was in August of 2016,
 23 does that sound correct?
 24 A Yeah, I think so.
 25 Q Okay. So before when I -- as of

5 (Pages 14 to 17)

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1 Brooks - Confidential
 2 August 2016, you were still in the Ready,
 3 Willing & Able program?
 4 A I was living there in the Gates' facility.
 5 Q Okay. And had you retained -- had you
 6 spoken with anyone at Ms. O'Connell's law firm
 7 prior to the incidents that you claim happened
 8 with Terry Cooper on July 21, 2016?
 9 A No.
 10 Q So it was after the incidents you alleged
 11 happened with Terry Cooper that you --
 12 A Yeah.
 13 Q -- reached out --
 14 I'm sorry, you have to let me finish.
 15 It was after the incidentals you allege
 16 happened with Terry Cooper on July 21, 2016,
 17 that you reached out to Ms. O'Connell's law
 18 firm.
 19 A Yes.
 20 Q Did you contact any other law firms?
 21 A For what?
 22 Q Contact any other law firms after -- after
 23 the alleged incident with Terry Cooper on
 24 July 21, 2016?
 25 A I did.

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1 Brooks - Confidential
 2 A One of them, yes.
 3 Q Other than Ms. O'Connell's law firm?
 4 A Yes.
 5 Q What law firm was that?
 6 A I can't remember the name.
 7 Q Okay.
 8 A It was a long time ago.
 9 Q Was it after July 21, 2016?
 10 A After the incident?
 11 Q Yes.
 12 A Yes.
 13 Q Okay. And why aren't they -- are they
 14 still representing you?
 15 A No.
 16 Q When did they stop representing you?
 17 A A couple of months later.
 18 Q Was Ms. O'Connell's law firm and this
 19 other law firm representing you at the same
 20 time?
 21 A No.
 22 Q When did -- strike that.
 23 Why did you switch from this first law
 24 firm to Ms. O'Connell's law firm?
 25 A They said it was going to be a conflict of

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1 Brooks - Confidential
 2 Q Which law firms?
 3 A I was doing an Internet search, and I was
 4 looking for someone to represent me with this
 5 type of lawsuit.
 6 So I reached out to a couple of them. I
 7 don't particularly remember the names of them,
 8 though.
 9 Q Do you remember the names of any of the
 10 attorneys that you spoke with?
 11 A No.
 12 Q Do you remember what you discussed with
 13 them?
 14 A Yes.
 15 Q What did you discuss with them?
 16 A The complaint.
 17 Q When you say "the complaint," what do you
 18 mean?
 19 A The complaint that I wrote up.
 20 Q You're referring to the complaint that you
 21 wrote up the day of the alleged incident with
 22 Mr. Cooper?
 23 A Yes.
 24 Q Did you end up retaining any of these law
 25 firms?

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1 Brooks - Confidential
 2 interest. They knew who Terry was.
 3 Q Okay. And you don't remember who you
 4 spoke to?
 5 A No.
 6 Q What's your arrangement with
 7 Ms. O'Connell's law firm in this case?
 8 A Excuse me, what is my arrangement?
 9 MS. O'CONNELL: Objection.
 10 Q Strike that.
 11 How are you paying Ms. O'Connell's law
 12 firm in this case.
 13 MS. O'CONNELL: Objection.
 14 You can answer.
 15 Q You can answer.
 16 A I'm not paying them.
 17 Q Is it a contingency basis?
 18 A What does that mean?
 19 Q That you'll pay them a percentage of
 20 anything that you recover.
 21 Is that the agreement you have with
 22 Ms. O'Connell's law firm?
 23 A It is.
 24 Q Do you know what the percentage is?
 25 A No.

6 (Pages 18 to 21)

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Brooks - Confidential

Q Is there a written agreement between you and Ms. O'Connell's law firm stating out the terms of their representation of you?

A Yes, it is.

Q Do you know if it's in there, the amount that you'll provide them?

A I don't remember. It was a lot of paperwork. I don't remember.

Q Is Gregory Brooks your full name?

A Gregory Scott Brooks.

Q Ever go by a different name?

A No. Just Gregory Scott or Gregory Brooks.

Q Any nicknames?

A People call me Gee.

Q When did that start?

A Since I was a kid.

Q What's your present address?

A 630 Howard Avenue.

Q And how long have you lived there?

A For a little over a year.

Q About June of 2016 -- I'm sorry, June of 2017?

A About two days after I was kicked out of the Gates Avenue facility, I was living over

Page 23

Brooks - Confidential

there.

Q Do you remember when that was?

A I can't recall. I'm bad with dates.

Q Do you remember the month?

A No.

Q Do you remember the year?

A It was about a year ago.

Q Okay. So was it May or June of 2016?

A It was summertime, I believe.

Q May or June of 2017?

A I don't remember.

Q Okay. Before 630 Howard Avenue, where did you live?

A Gates Avenue.

Q And that was the residence associated with The Doe Fund?

A Yes.

Q And that was where you lived when you were a part of the Ready, Willing & Able program?

A Yes.

Q And about how long did you live there?

A About seven months to a year.

Q Okay. And where were you -- where did you live -- strike that.

Page 24

Brooks - Confidential

At 630 Howard Avenue, does anyone live there with you?

A No.

Q Is it an apartment?

A It is.

Q Do you rent?

A Yes.

Q How much is your rent?

A 780.

Q Per month?

A Yeah.

Q Is there any subsidy?

Do you receive any subsidy for your rent, for your rent payments?

A Subsidy, you mean assistance?

Q Public assistance of some sort.

A Yeah, I have a program assisting me with rent.

Q And is that on top of the 780, or does that cover a portion of it?

A A portion.

Q Do you know what portion that is?

A About 500. I think 580, something like that.

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Brooks - Confidential

Q Okay. And you said before Howard Avenue you lived at Gates Avenue, you said for about -- between seven months to a year.

A Mm-hmm.

Q And where were you before that?

A In a shelter.

Q Do you know what shelter?

A I believe it was on Bedford Avenue.

Q About how long were you there for?

A A couple of days.

Q And before that, where did you live?

A I was staying with my wife.

Q Okay. Where does your wife live?

A In the Bronx.

Q What's the address?

A I'm not giving you my wife's address.

Q You have to give us your wife's address. There's no reason to withhold it.

MS. O'CONNELL: You can -- you have to answer the question. But we can protect the information so there won't be any harassment.

A 838 Leland Avenue.

Q And is there an apartment?

A No.

7 (Pages 22 to 25)

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1 Brooks - Confidential
 2 Q It's a private house?
 3 A It's a condo.
 4 Q It's a condo.
 5 Is there a number associated with the
 6 condo?
 7 A I just gave you the number.
 8 Q Mr. Brooks, there's no need to get upset
 9 here. These are just some background questions
 10 that we ask of every witness in a case like
 11 this. It's nothing personal to you.
 12 So if you can just bear with me, we'll be
 13 able to get through this as best we can.
 14 So 830 Leland Avenue is the complete
 15 address?
 16 A 838.
 17 Q 838 Leland Avenue is the complete address?
 18 A That's the address.
 19 Q If you were to send a letter there, that's
 20 all you would write?
 21 A Bronx, New York.
 22 Q Who lives there?
 23 A My wife and children.
 24 Q Does your wife currently live there?
 25 A Yes.

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1 Brooks - Confidential
 2 have filed divorce proceedings?
 3 A No.
 4 Q Prior to living in the Bronx at your
 5 wife's apartment, where did you live before
 6 that?
 7 A I stayed in a three-quarter house.
 8 Q Okay. Where was that?
 9 A In Brooklyn.
 10 Q And do you know what the dates were?
 11 A I only stayed there for a few days.
 12 Q Okay. And before that?
 13 A I was in prison.
 14 Q And where was that?
 15 A The prison that I left?
 16 Q Yes.
 17 A Queensboro.
 18 Q And how long were you there for?
 19 A About a month.
 20 Q And that would have been in the early
 21 spring of 2016?
 22 A It's possible.
 23 Q Okay. And before that where were you?
 24 A I was in Franklin Correctional Facility.
 25 Q And do you know where that is?

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1 Brooks - Confidential
 2 Q Okay. Who lives there -- you said your
 3 children as well?
 4 A Yes.
 5 Q How old are your children?
 6 A Eleven and 12.
 7 Q Okay. And these are children -- these are
 8 your biological children?
 9 A These are my biological children.
 10 Q Are you and your wife currently legally
 11 married?
 12 A Yes.
 13 Q Okay. When did you get married?
 14 A May 5, 2006.
 15 Q And you've been continuously married since
 16 then?
 17 A Yes. Separated.
 18 Q When were you separated?
 19 A 2011, 2010, one of them years.
 20 Q And you're still --
 21 A Separated.
 22 Q Sorry.
 23 You're still separated as of today?
 24 A Yes.
 25 Q Okay. But you haven't -- neither of you

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1 Brooks - Confidential
 2 A Malone.
 3 Q I'm sorry.
 4 A I believe it's Malone County.
 5 Q Upstate?
 6 A Yup.
 7 Q How long were you there for?
 8 A About three years.
 9 Q Since about 2013?
 10 A Yeah.
 11 Q Okay. Do you remember the month?
 12 A That I got there?
 13 Q Yes.
 14 A I think it was in June. I'm not sure, but
 15 I think it was June.
 16 Q That's okay.
 17 And when -- where were you -- where did
 18 you live before that?
 19 A Before that I was on Rikers Island.
 20 Q And for how long?
 21 A I stayed there for a few months.
 22 Q And before that?
 23 A Before that I was living in Park Slope,
 24 Brooklyn.
 25 Q You know -- were you living on your own?

8 (Pages 26 to 29)

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1 Brooks - Confidential
2 A No.
3 Q Were you living with your wife?
4 A I was staying with a friend.
5 Q Okay. Who's the friend?
6 A Karen Longo.
7 Q You said Karen Longo?
8 A Yes.
9 Q How long did you live with Ms. Longo?
10 A A little over a year.
11 Q 2012 to 2013?
12 A Mm-hmm.
13 Q Anyone else live with you and Ms. Longo?
14 A Eventually my wife and children came to
15 stay.
16 Q And after you lived -- so I just want to
17 make sure.
18 It was from Park Slope, and after that
19 were you in Rikers Island?
20 A Yes.
21 Q And before Park Slope?
22 A I was in Georgia.
23 Q I'm sorry?
24 A Georgia.
25 Q Where in Georgia?

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1 Brooks - Confidential
2 A Tusayan, Arizona.
3 Q Okay. And did you live in an apartment or
4 a house?
5 A I lived in a house.
6 Q The same house the whole time?
7 A No.
8 Q The last place you lived in Tusayan?
9 A Was a house.
10 Q Did anyone live with you there?
11 A My wife and children.
12 Q Before the last house -- do you remember
13 the dates?
14 Do you remember about how long you lived
15 in that house?
16 A No. I stayed there for about four years.
17 Q Okay. Did you own or rent it?
18 A I rented.
19 Q And before that house where did you live
20 in Tusayan?
21 A I lived in an apartment.
22 Q Did you live with anyone?
23 A My wife and kids.
24 Q And anywhere before that apartment?
25 A Yep, I stayed with a cousin out there.

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1 Brooks - Confidential
2 A Norcross.
3 Q How long were you there?
4 A About a year.
5 Q Okay. Where did you -- did you live in an
6 apartment, in a house?
7 A I did.
8 Q In an apartment?
9 A Yes.
10 Q And did you live with anyone?
11 A I had a roommate.
12 Q And who was the roommate?
13 A His name was Robert.
14 Q Do you remember Robert's last name?
15 A Reed.
16 Q Okay. And only one address when you were
17 in Georgia?
18 A Yes.
19 Q Okay. Before that where did you live?
20 A I lived in Arizona.
21 Q Okay. For how long?
22 A About six years.
23 Q About 2014 to about 2010?
24 A Yes, something like that.
25 Q Where in Arizona?

Page 33

1 Brooks - Confidential
2 Q In Tusayan?
3 A Mm-hmm.
4 Q For about how long?
5 A A few months.
6 Q Were your wife and kids with you there?
7 A Yes.
8 Q And before that apartment?
9 A I was at New York.
10 Q And where in New York?
11 A In the Bronx.
12 Q Where in the Bronx?
13 A Brook Avenue.
14 Q Okay. That was an apartment?
15 A Yes.
16 Q And who did you live with?
17 A My wife and my kids.
18 Q You remember about what year that was?
19 A Yes, around 2004, 2005.
20 Q And before that?
21 A I was in prison.
22 Q And which prison?
23 A Gowanda.
24 Q Sorry?
25 A Gowanda was a prison that I came home

9 (Pages 30 to 33)

1 Brooks - Confidential
 2 from.
 3 Q An where is that?
 4 A I don't remember. I think it's in
 5 Clinton.
 6 Q It's in Upstate New York?
 7 A Yeah.
 8 Q Do you remember how long you were there
 9 for?
 10 A Maybe a year.
 11 Q You were in a prison before that?
 12 A Yeah.
 13 Q I'm sorry, before you were in Gowanda,
 14 were you in another correctional facility
 15 before that?
 16 A Yes.
 17 Q Where?
 18 A Attica.
 19 Q That's in Upstate New York?
 20 A Yes.
 21 Q How long were you there for?
 22 A Maybe a year or two.
 23 Q And what about before that?
 24 A I was in prison.
 25 Q And where?

1 Brooks - Confidential
 2 period that was, generally?
 3 A I think it was '98, 1998.
 4 Q Was when you started or when you left?
 5 A When I started.
 6 Q Okay. And when did you leave the last
 7 place, which I believe was Gowanda?
 8 A 2004, I believe.
 9 Q Okay. Before this period of '98 to 2004,
 10 were there any other times when you were in
 11 prison?
 12 A Yes.
 13 Q And do you know when?
 14 A In 1997.
 15 Q Okay. And for how long?
 16 A One year.
 17 Q Okay. What prison?
 18 A Rikers Island.
 19 It's not a prison, it's a jail.
 20 Q Excuse me.
 21 And before you were in jail in Rikers
 22 Island, had you been incarcerated in a prison
 23 or jail prior to that?
 24 A I was home before that.
 25 Q Okay. And before -- and before the year

1 Brooks - Confidential
 2 A Upstate Correctional Facility.
 3 Q That's the name of it, Upstate
 4 Correctional Facility?
 5 A Yes.
 6 Q And before that were you in another
 7 correctional facility?
 8 A Yes.
 9 Q And what was that?
 10 A Clinton.
 11 Q Okay. And how long were you there for?
 12 A A few months.
 13 Q And before Clinton?
 14 A Sing Sing.
 15 Q How long were you there for?
 16 A Maybe a month.
 17 Q And before that?
 18 A Rikers Island.
 19 Q And before that?
 20 A I was home.
 21 Q And home is where?
 22 A I was staying with a friend in Manhattan.
 23 Q So from the time you were in Rikers, Sing
 24 Sing, Clinton, Upstate Correctional Facility,
 25 Attica and Gowanda, do you know what time

1 Brooks - Confidential
 2 you were in Rikers Island, 1997, had you ever
 3 been in prison or jail before?
 4 A Yes.
 5 Q When was that?
 6 A 2005.
 7 Q So I think I asked you -- that was -- 2005
 8 would have been covered in the period of what
 9 we said between --
 10 A I mean 1995.
 11 Q All right. 1995.
 12 And what prison were you in then, or was
 13 it a jail?
 14 A I was in Rikers Island.
 15 Q And for how long?
 16 A Two years, a little over two years.
 17 Q And before that were you ever in prison or
 18 jail?
 19 A Before that I was home.
 20 Q And you said -- home was in the Bronx or
 21 was it with your friend in Manhattan?
 22 A No, I was with my family.
 23 Q And where was that?
 24 A 112th Street and Lexington Avenue.
 25 Q Any other time you spent in a prison, jail

Page 38

1 Brooks - Confidential
 2 or a correctional facility that we haven't
 3 discussed?
 4 A My adolescence.
 5 Q What was that?
 6 A Juvenile.
 7 Q When was that?
 8 A I can't remember.
 9 Q Do you know remember how old you were?
 10 A I think I was 14.
 11 Q And do you remember what facility you were
 12 in?
 13 A Yeah.
 14 Q What was it?
 15 A I was in Tryon.
 16 Q Where is that?
 17 A I don't know where it is. Upstate
 18 somewhere.
 19 Q Upstate, that's fine. Upstate is
 20 perfectly fine.
 21 What about -- any other times you were in
 22 prison or jail or a correctional facility?
 23 A No, I was in group homes, stuff like that.
 24 Q That wasn't as a result of an arrest or a
 25 conviction?

Page 40

1 Brooks - Confidential
 2 What's your Social Security number?
 3 A 056-60-5602.
 4 MS. O'CONNELL: And can we have the phone
 5 number and birth date marked confidential?
 6 MR. SEIDENFELD: Sure.
 7 Q Ever use a different Social Security
 8 number?
 9 A No.
 10 Q Okay. And before you said that you're
 11 legally married from your wife but separated?
 12 A Yeah.
 13 Q Any other marriages?
 14 A No.
 15 Q Okay. And you said you had two children
 16 with your wife.
 17 Any other children?
 18 A My stepson. I raised him.
 19 Q Is that your wife's son?
 20 A Yes.
 21 Q Okay. It's not biologically your son?
 22 A No.
 23 Q How old is your stepson?
 24 A Nineteen.
 25 Q What's your wife's current occupation?

Page 39

1 Brooks - Confidential
 2 A Yeah, it was.
 3 Q Okay. So when was that?
 4 A It was all around the same time.
 5 Q So you were -- how long were you in Tryon?
 6 A About a year.
 7 Q And the group homes were prior to that?
 8 A Mm-hmm.
 9 Q And those were related to the same arrest
 10 and conviction?
 11 A Yes.
 12 Q About how long were you in the group
 13 homes?
 14 A Months.
 15 Q Any other correctional facilities that we
 16 haven't discussed?
 17 A No.
 18 Q What's your date of birth?
 19 A 7/19/76.
 20 Q And where were you born?
 21 A Manhattan.
 22 Q What's your phone number?
 23 A My phone number, (347) 358-9500.
 24 Q And Ms. O'Connell said we can mark it
 25 confidential.

Page 41

1 Brooks - Confidential
 2 A I don't know what she do. She's usually a
 3 banker.
 4 Q You ever filed a lawsuit prior to your
 5 lawsuit against The Doe Fund?
 6 A No.
 7 Q No divorce? No bankruptcy?
 8 A No.
 9 Q Okay. Other than the claims against The
 10 Doe Fund, you ever filed an administrative
 11 complaint of discrimination either with the
 12 EEOC or the State or the City agencies that
 13 deal with those types of claims?
 14 A I don't really know what you're talking
 15 about.
 16 But, no, I haven't filed nothing.
 17 Q Okay. Ever file a complaint anywhere
 18 alleging that other than your allegations in
 19 this case, have you ever filed any kind of
 20 complaint alleging that you were either
 21 discriminated, retaliated or harassed by an
 22 employee?
 23 A No.
 24 Q What's your highest level of education?
 25 A Completed?

11 (Pages 38 to 41)

Page 42

1 Brooks - Confidential
 2 Q Yes.
 3 A 6th grade.
 4 Q Do you have a GED?
 5 A No.
 6 Q Are you working towards one?
 7 A I would like to get one.
 8 Q Can you read and write?
 9 A Yes.
 10 Q I'm just going to go back and hopefully we
 11 can do this a little more quickly in your
 12 history. I just want to ask you about your
 13 conviction history.
 14 So starting with the most recent, when was
 15 the last time you were convicted of a crime?
 16 A 2012, 2013.
 17 Q I'm sorry, did I ask you for the most
 18 recent?
 19 A Yes.
 20 Q The most recent, I'm sorry, you said was?
 21 A 2012, 2013.
 22 Q And what were you charged with?
 23 A Possession of a weapon.
 24 Q And were you convicted?
 25 A I was.

Page 44

1 Brooks - Confidential
 2 when you were in Queensboro and Franklin and
 3 Rikers Island?
 4 A Yeah.
 5 Q And before the conviction for possession
 6 of a weapon, what was the next -- what was the
 7 next most recent crime you were convicted of?
 8 A Drugs. Drug crime.
 9 Q What was it?
 10 A Directing a sale.
 11 Q Do you know when that was?
 12 A 1998.
 13 Q Okay. And were you convicted?
 14 A Yes.
 15 Q Did you plead guilty?
 16 A I did.
 17 Q So no trial?
 18 A No.
 19 Q Okay. How long were you sentenced for?
 20 A Four and a half to nine years.
 21 Q How long did you serve?
 22 A Six.
 23 Q And that was before, when we discussed you
 24 were in Gowanda or Attica, Upstate Correctional
 25 Facility, Clinton, Sing Sing and Rikers?

Page 43

1 Brooks - Confidential
 2 Q You plead guilty?
 3 A I did.
 4 Q How much time -- what was your sentence
 5 of?
 6 A Four years.
 7 Q Did you serve all four years?
 8 A Five years post supervision.
 9 Q When you say "five years post
 10 supervision," what do you mean?
 11 A It's like parole.
 12 Q So four years you were you in prison or
 13 jail and then another year on parole?
 14 A Five years on parole.
 15 Q I'm sorry.
 16 So you were in prison for four years, and
 17 then parole for five?
 18 A Yeah.
 19 Q So you're still currently on parole today?
 20 A Yes.
 21 Q Okay. What was the -- before that, when
 22 was the last time you were convicted of a
 23 crime?
 24 Actually -- strike that.
 25 And that was what we spoke about before

Page 45

1 Brooks - Confidential
 2 A Yes.
 3 Q Prior to that, what was the next most
 4 recent crime you were convicted of?
 5 A Gun possession.
 6 Q And when was that?
 7 A In 1997.
 8 Q And you pled guilty?
 9 A I did.
 10 Q How much time, what was your sentence?
 11 A One year.
 12 Q And did you serve the full year?
 13 A No.
 14 Q How long did you serve?
 15 A Six, seven months, something like that.
 16 Q And that was at Rikers?
 17 A Yes.
 18 Q And before that, when was the next most
 19 recent conviction?
 20 A I wasn't convicted of nothing else.
 21 Q Was that when you were in Rikers around
 22 1995?
 23 Strike that.
 24 Were you charged with something?
 25 Actually, strike that.

12 (Pages 42 to 45)

Page 46

1 Brooks - Confidential
 2 So before 1997, had you been convicted of
 3 any other crimes?
 4 A Before 1997, was I convicted of anything,
 5 yes. As a child I was convicted of gun
 6 possession.
 7 Q And that was when you were 14?
 8 A Yeah.
 9 Q Any other times that we haven't discussed
 10 when you were arrested, other than what we've
 11 discussed, have there been times when you were
 12 arrested but not convicted of a crime?
 13 A Yeah, when I was on Rikers Island. That's
 14 the only time.
 15 Q I'm sorry?
 16 A When I was on Rikers Island, that's the
 17 only time.
 18 Q That was the first time you were on Rikers
 19 Island?
 20 A Yes.
 21 Q Around -- and you believe -- you said
 22 around 995?
 23 A Yes.
 24 Q And what were you charged with?
 25 A Homicide.

Page 48

1 Brooks - Confidential
 2 What were you accused of doing when you
 3 were charged with second degree murder?
 4 A I was accused of killing somebody.
 5 Q And who was that?
 6 A I don't know.
 7 Q What were -- did you ever find out the
 8 person who you were accused of killing?
 9 A I don't remember his name.
 10 Q Was it someone -- someone you never knew?
 11 A Yeah, I didn't know him.
 12 Q Okay. How did you come to be arrested for
 13 the murder?
 14 A The police came to my house and picked me
 15 up.
 16 Q What did they say to you?
 17 A That I was under arrest.
 18 Q Did they tell you why?
 19 A No. They waited until they got me into
 20 the precinct.
 21 Q At some point did somebody tell you you
 22 were under arrested?
 23 A Yes.
 24 Q What did they tell you?
 25 A I was under arrest in connection with the

Page 47

1 Brooks - Confidential
 2 Q And was there a trial?
 3 A Yes.
 4 Q And what was the result of the trial?
 5 A I was innocent.
 6 Q Okay. Do you know what the specific
 7 charge was?
 8 A Murder in the second degree.
 9 Q Tell us what you were alleged of doing?
 10 A No.
 11 Q Why not?
 12 A I'm not talking about that.
 13 Q I know this is not a pleasant topic, but
 14 we're entitled to ask questions about your
 15 background, especially given your demands in
 16 this case for emotional distress damages. We
 17 need to know about your background and your
 18 past. I apologize if it's uncomfortable, but
 19 we really need you to answer.
 20 A Repeat the question.
 21 MR. SEIDENFELD: Can you repeat my
 22 question before.
 23 (Record read.)
 24 BY MR. SEIDENFELD:
 25 Q Okay. I'll ask my question again.

Page 49

1 Brooks - Confidential
 2 murder of some person, the guy. I don't
 3 remember his name.
 4 Q You had a trial, right?
 5 A I did.
 6 Q Okay. And at the trial, did the
 7 prosecution lay out why they believed you had
 8 committed the crime?
 9 A Yes.
 10 Q What did they say?
 11 A They said they had witnesses saying that I
 12 did it.
 13 Q Where did they say -- where did they
 14 accuse you of doing this?
 15 A What?
 16 Q Where did the prosecutor say -- where did
 17 the prosecutors alleged that you committed this
 18 crime, the location of the murder?
 19 A I don't remember.
 20 Q Was it in Manhattan?
 21 A Yeah, it was in Manhattan.
 22 Q Upper Manhattan?
 23 A In Manhattan. I don't remember the exact
 24 location.
 25 Q Okay. Do you remember who the witnesses

13 (Pages 46 to 49)

Page 50

1 Brooks - Confidential
2 were?
3 A Not by name.
4 Q Where they people that you knew?
5 A Yes.
6 Q Okay. How did you know them?
7 A Seeing them in the neighborhood.
8 Q Okay. And did they testify at trial?
9 A They did.
10 Q Okay. And they -- do you know what they
11 testified?
12 A From what I remember, they said they seen
13 me in the proximity of where they were, but
14 none of them actually said I did it.
15 Q Okay. And were you -- what was -- strike
16 that.
17 Were you acquitted, or did the trial
18 result in a hung jury?
19 A I was acquitted.
20 Q And so the two years that you were in
21 Rikers, was while you were on trial for that
22 case?
23 A Yes.
24 Q In around 1995?
25 A Yes.

Page 52

1 Brooks - Confidential
2 Q I'm sorry, Mr. Brooks, if you could look
3 at the court reporter it may be a little easier
4 for her to take down what you're saying.
5 A Harlem Defender Services.
6 Q Is that an organization that provides
7 legal services for -- on a pro bono basis?
8 A Yes.
9 Q Okay. Do you remember the name of the
10 lawyer who represented you?
11 A Yes.
12 Q And what was the name?
13 A Jenny Kronenfeld.
14 Q Kronenfeld?
15 A Yeah.
16 Q Okay. Before, Mr. Brooks, you said that
17 had you dropped out of school -- did you drop
18 out of school in sixth grade?
19 A It was either the fifth or the sixth.
20 Q And what were the circumstances
21 surrounding that?
22 A My mother died of AIDS.
23 Q And was your father living at that time?
24 A No.
25 Q When did your father pass away?

Page 51

1 Brooks - Confidential
2 Q Ever have a restraining order entered
3 against you?
4 A No.
5 MR. SEIDENFELD: You know what, let's take
6 a few -- take a little bit of a break.
7 (Recess taken.)
8 BY MR. SEIDENFELD:
9 Q Mr. Brooks, in the trial for second degree
10 murder we just discussed, were you represented
11 by counsel?
12 A Yes.
13 Q Where was the counsel from?
14 A Manhattan.
15 Q Was it a private lawyer that you paid for?
16 A No.
17 Q Was it through legal aid?
18 A No.
19 Q What was it through?
20 A It was an 18B lawyer.
21 Q A who?
22 (Record read.)
23 Q What's an 18B lawyer?
24 A The name of the organization was Harlem
25 Defense Services.

Page 53

1 Brooks - Confidential
2 A The year before.
3 Q And what did he pass away from?
4 A Same thing.
5 Q And were you living with -- were you
6 living with your mother at the time she past
7 away?
8 A Yeah, you could say so.
9 Q When you say, "you could say so," what do
10 you mean?
11 A I was supposed to be staying with her.
12 Q But you were staying somewhere else?
13 A Yeah, I went to the street.
14 Q So -- strike that.
15 Did you have any siblings?
16 A Yes.
17 Q How many siblings do you have?
18 A One.
19 Q Brother or sister?
20 A Sister.
21 Q Younger or older?
22 A Older.
23 Q How much older?
24 A Two years.
25 Q And did she -- was there a period where

14 (Pages 50 to 53)

Page 54

1 Brooks - Confidential
 2 you lived with -- both with your mother and
 3 father?
 4 A Yes.
 5 Q And your sister lived with you?
 6 A Yes.
 7 Q And after your father passed away, did
 8 your sister still live with you?
 9 A Yes.
 10 Q Okay. You said there was a time when you
 11 lived on the streets while your mother was
 12 still alive.
 13 Did your sister live on the streets as
 14 well?
 15 A No.
 16 Q Did she still live with your mother?
 17 A No.
 18 Q And why did you go and live on the
 19 streets?
 20 A I found it very difficult to watch my
 21 mother dying in front of me.
 22 Q She had AIDS at that time?
 23 A She did.
 24 Q Okay. Did she ask you to leave?
 25 A No.

Page 56

1 Brooks - Confidential
 2 Q Were you ever assaulted when you lived --
 3 you don't know what I mean by the term
 4 "assault"?
 5 A It could mean a lot of things.
 6 Q What does it mean to you?
 7 A Well, this is a different kind of assault.
 8 It's sexual assault, it's physical, brutal
 9 assault, it's mental.
 10 Q Any of those types of assault.
 11 A I've been in fights when I was a kid,
 12 yeah.
 13 Q While you were still living with your
 14 parents?
 15 A Yes.
 16 Q Those were other children your age?
 17 A Yes.
 18 Q You ever have to go to the hospital as a
 19 result of any of those fights?
 20 A No. Not that I recall, no.
 21 Q All right. We discussed a few other types
 22 of assaults. You said sexual assault.
 23 Were you ever sexually assaulted during
 24 the time you were living with your parents?
 25 A No.

Page 55

1 Brooks - Confidential
 2 Q You voluntarily decided to go live on the
 3 streets?
 4 A I left.
 5 Q It was a voluntary decision you made?
 6 A Yeah.
 7 Q And how long did you live on the streets?
 8 A I don't remember.
 9 Q How old -- and this was when you were
 10 about in the sixth grade?
 11 A Yeah.
 12 Q Okay. And do you remember what age you
 13 were when -- you remember what age you were
 14 when you stopped living in the streets?
 15 A When I got arrested.
 16 Q And how old were you when you were
 17 arrested?
 18 A Fourteen.
 19 Q Okay.
 20 A Something like that.
 21 Q When you were on the streets,
 22 did -- strike that.
 23 When you were living in your parents'
 24 home, were you ever assaulted?
 25 A What do you mean by that?

Page 57

1 Brooks - Confidential
 2 Q And you said mental assault.
 3 You ever mentally assaulted -- actually,
 4 what do you mean by the term "mentally
 5 assaulted"?
 6 A Being picked on, bullied.
 7 Q I want to go back. I asked you if you
 8 were ever sexually assaulted when you were
 9 living with your parents.
 10 I want to say not only by your parents,
 11 but by anyone else as well. So I just want to
 12 make sure we're clear.
 13 A No.
 14 Q Okay. And when you were on the streets,
 15 were you ever physically assaulted?
 16 A No.
 17 Q Never got into any fights?
 18 A I got into fights, yes.
 19 Q Did you ever physically assault anyone
 20 when you were on the streets?
 21 A Yes.
 22 Q What were the circumstances?
 23 A I could barely remember. I mean, we have
 24 arguments and fights. I was living in the
 25 ghetto, in the hood. Arguments and fights

15 (Pages 54 to 57)

Page 58

1 Brooks - Confidential
 2 happen all the time.
 3 Q When you say "the streets," I just want to
 4 be -- were you living on the streets?
 5 Was there some sort of -- any kind of
 6 shelter?
 7 Where exactly were you staying?
 8 A I was staying with different friends.
 9 Q Okay. So --
 10 A From house to house. I had no solid
 11 residence.
 12 Q So you were at different friends, but you
 13 weren't physically sleeping outside on the
 14 streets at night?
 15 A No, no.
 16 Q The friends were your age or were they --
 17 I'm sorry.
 18 A Yes.
 19 Q Were any of these friends, were they
 20 friends who lived with their parents?
 21 A Yes.
 22 Q Okay. And so this period when you said
 23 you were living on the streets, was really you
 24 were moving around from friends to friends'
 25 houses, correct?

Page 60

1 Brooks - Confidential
 2 A No.
 3 Q When you were living in your other
 4 friends' houses, did you ever touch someone in
 5 a sexual manner without their consent?
 6 A No.
 7 Q Did you ever sexually assault anyone?
 8 A No.
 9 Q You said after you were living in
 10 different friends' houses, you were arrested
 11 shortly after when you were 14?
 12 A Yes.
 13 Q I just don't recall; what were you charged
 14 with when you were 14?
 15 A A weapon.
 16 Q Weapons? Possession of a weapon?
 17 A Yes.
 18 Q Have you ever -- was it a gun?
 19 A Yes.
 20 Q Where did you get the gun from?
 21 A A friend.
 22 Q Did you ever fire the gun?
 23 A Yes.
 24 Q And what were the circumstances of that?
 25 A I fired the gun on top of the building, it

Page 59

1 Brooks - Confidential
 2 A Yes.
 3 Q And that was in the neighborhood where you
 4 were growing up?
 5 A Yes.
 6 Q When you were moving around to different
 7 friends' houses, were you ever physically
 8 assaulted?
 9 A Yes, I've been in fights then, too.
 10 Q Ever go to the hospital for any?
 11 A No.
 12 Q Ever have to seek any other kind of
 13 medical treatment?
 14 A No.
 15 Q Ever have to seek any medical treatment
 16 for the physical assault when you were living
 17 at different friends' houses?
 18 A No.
 19 Q When you were living in different friends'
 20 houses after sixth grade, were you ever
 21 sexually assaulted?
 22 A No.
 23 Q While you were living in other friends'
 24 houses, did anyone ever touch you in a sexual
 25 manner without your consent?

Page 61

1 Brooks - Confidential
 2 was a shotgun.
 3 Q When was that?
 4 I'm sorry, was that in the period you were
 5 moving around from different friends'
 6 apartments?
 7 A Yeah.
 8 Q Is that what led to your arrest for
 9 possession?
 10 A Yes.
 11 Q Okay. And the weapon that you were
 12 arrested for possessing was a shotgun?
 13 A Yes.
 14 Q After that, you said you had gone to a
 15 group -- to group homes, correct?
 16 A Yes.
 17 Q Okay. Were you ever physically assaulted
 18 in the group homes?
 19 A I had a fight.
 20 Q With another group home member?
 21 A Yes.
 22 Q Were you ever physically assaulted by any
 23 of the staff members of the group home?
 24 A Yes.
 25 Q And what were the circumstances of that?

16 (Pages 58 to 61)

Page 62

1 Brooks - Confidential
 2 A From what I could remember, I was upset
 3 for something. I gave them attitude, so he
 4 beat me up.
 5 Q Who beat you up?
 6 A One of the staff members.
 7 Q And about how old were you?
 8 A Around 14 or 15.
 9 Q This was before you went to Tryon?
 10 A This was when I was at Tryon.
 11 Q Tryon the group home, or was there a group
 12 home m before Tryon.
 13 A There was a group home before Tryon. I
 14 didn't get into it with no staff there. I only
 15 got into it with staff at Tryon.
 16 Q Is Tryon a correctional facility, do you
 17 know?
 18 Were you allowed to come and go as you
 19 pleased at Tryon?
 20 A No, no.
 21 Q What about the group home before that?
 22 A No. I wasn't allowed to come and go as I
 23 pleased nowhere, none of them.
 24 Q At the group home before Tryon, were you
 25 ever sexually assaulted?

Page 64

1 Brooks - Confidential
 2 Q -- genitals?
 3 A No, no.
 4 Q So I asked you if you ever -- I just want
 5 to make sure we're covering everything.
 6 Other than -- so I asked you if anyone
 7 ever touched you in your genitals in a sexual
 8 manner while you were in the group home or at
 9 Tryon.
 10 Did anyone ever touch your genitals in a
 11 nonsexual manner when you were in the group
 12 home or at Tryon?
 13 MS. O'CONNELL: Objection.
 14 You can answer.
 15 A Not that I remember. Maybe the nurse or
 16 something while they were doing a physical.
 17 Q Okay.
 18 A Other than that, no.
 19 Q Nothing other than -- nothing that wasn't
 20 a part of a medical procedure or medical
 21 examination?
 22 A Yeah.
 23 Q When you were going from friend to
 24 friends' home, did you do any drugs?
 25 A Yes.

Page 63

1 Brooks - Confidential
 2 A No.
 3 Q Did you ever sexual assault anyone at the
 4 group home before Tryon?
 5 A No.
 6 Q Did anyone ever touch you in your genitals
 7 or any other sexual manner without your consent
 8 at the group home?
 9 A No.
 10 Q What about at Tryon; did anyone ever
 11 sexually assault you there?
 12 A No.
 13 Q Did anyone ever touch you in a sexual
 14 manner without your consent?
 15 A No.
 16 Q Okay. Did anyone ever touch you on your
 17 genitals or while you were at the group home or
 18 at Tryon in a manner that wasn't sexual, other
 19 than a doctor?
 20 A What do you mean, a fight?
 21 Q Sure.
 22 A I got in fights at Tryon; yes, I did.
 23 Q Anyone there -- were you hit or kicked in
 24 your --
 25 A In my genital area?

Page 65

1 Brooks - Confidential
 2 Q What drugs did you do?
 3 A Marijuana.
 4 Q Anything else?
 5 A Drank alcohol from time to time.
 6 Q Okay. Any other drugs?
 7 A No.
 8 Q Okay. At the group home and at Tryon, did
 9 you take any drugs?
 10 A Yes.
 11 Q What -- marijuana?
 12 A Yes.
 13 Q Did you drink alcohol?
 14 A No.
 15 Q Take any other drugs?
 16 A No.
 17 Q Take heroin?
 18 A Never.
 19 Q Never?
 20 A No.
 21 Q I'm sorry?
 22 A No.
 23 Q You ever taken heroin in your life?
 24 A No.
 25 Q Ever taken any other illegal drugs in your

17 (Pages 62 to 65)

Page 66

1 Brooks - Confidential
 2 life that we haven't discussed?
 3 A Any illegal drugs?
 4 Q Any other illegal drugs that we haven't
 5 discussed?
 6 A I tried K-2 before one time.
 7 Q When was that?
 8 A When I was waiting -- I was out on bail,
 9 2011, maybe '12.
 10 Q You said that you'd never taken heroin,
 11 but you sold heroin, correct?
 12 A Yes.
 13 Q And why didn't you take heroin?
 14 A Well -- why didn't I take heroin?
 15 Well, honestly, because it was my father's
 16 drug of choice. And he taught me not to do it.
 17 So I kind of learned from example.
 18 Q From the experience of watching your
 19 father's addiction, you decided that wasn't
 20 something you wanted to become involved in?
 21 A Yeah.
 22 Q And just going back to when you left to --
 23 when you left your mother's home, you said it
 24 was a voluntary decision.
 25 You didn't want to watch her, she was

Page 68

1 Brooks - Confidential
 2 Q Okay. And how do you think -- do you have
 3 your own thoughts on how your father contracted
 4 HIV?
 5 A I believed that he contracted HIV because
 6 of his drug habit.
 7 Q Through sharing needles?
 8 A Yes.
 9 Q Do you know how your mother contracted
 10 HIV?
 11 A She told me that she -- she told me that
 12 she got it from -- my father stabbed her. She
 13 almost bled out. She went to the hospital and
 14 had to get a blood transfusion, and they gave
 15 her dirty blood. That's what she told me.
 16 Q Okay. Were you there when this incident
 17 happened?
 18 A I was there, yeah.
 19 Q Okay. Did you call an ambulance?
 20 Did you call the police?
 21 A I was five years old.
 22 Q Did someone call an ambulance or the
 23 police?
 24 A My grandmother. My grandmother took her
 25 to the hospital. I don't remember much.

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1 Brooks - Confidential
 2 sick, correct?
 3 A Yeah.
 4 Q Do you know if your mother wanted you to
 5 stay or if she wanted you to leave?
 6 A No, I'm sure she wanted me to stay.
 7 Q Did she ever tell you that?
 8 A Yeah.
 9 Q Okay. Do you remember -- and your mother
 10 was also a drug user?
 11 A She smoked weed.
 12 Q Do you know if she used heroin as well?
 13 A She did not.
 14 Q Okay. Do you know how your father
 15 contracted HIV?
 16 A No.
 17 Q Did he ever tell you?
 18 A He supposedly got it from my mother.
 19 Q I see you're smiling a bit.
 20 You're not sure you believe that story?
 21 A That's what I was told.
 22 Q I'm asking. It seems like you have
 23 suspicions about whether that's true.
 24 A I think it was a way of my mother telling
 25 us that so I wouldn't hate my father.

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1 Brooks - Confidential
 2 Q Okay. And you say that this is the story
 3 that your mother told you.
 4 Do you have any thoughts on whether that's
 5 true or not?
 6 A I told you earlier, I assume that she
 7 didn't want us to hate my father.
 8 Q So you're -- so you're saying that she
 9 told you that to cover up for another reason.
 10 What do you think the other reason was of
 11 how she contracted HIV?
 12 A I told you that the only other possible
 13 thing was his drug use.
 14 Q That your father had given your mother HIV
 15 through intercourse?
 16 A Yeah.
 17 Q When you were released from Tryon, you
 18 were about 15 or 16?
 19 A Yep.
 20 Q And you went to go live with a cousin,
 21 right?
 22 A No.
 23 Q Who did you go live with after you were
 24 released from Tryon?
 25 A Yeah.

18 (Pages 66 to 69)

Page 70

1 Brooks - Confidential
 2 Q I'm sorry?
 3 A Yeah, I did go stay with my cousin.
 4 Q Where was -- in Manhattan or in the Bronx?
 5 A It was Upstate.
 6 Q Okay. Do you remember where Upstate?
 7 A Albany.
 8 Q And did you reenroll in school?
 9 A No.
 10 Q Okay. And when you were living with your
 11 cousin, what did you do during the days?
 12 A Sold drugs.
 13 MS. O'CONNELL: If you need any water, let
 14 me know, or a break.
 15 Q Okay. And how long were you selling drugs
 16 before you were arrested the next time?
 17 A Up until the point where I was arrested.
 18 Q Okay. That was in the mid-'90s?
 19 A Yes.
 20 Q Okay. When you were living in Albany,
 21 were you ever actually assaulted, or in the
 22 Albany area, were you ever sexually assaulted?
 23 A No.
 24 Q Ever sexually assault anyone?
 25 A No.

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1 Brooks - Confidential
 2 directing the sale of drugs?
 3 A Yeah.
 4 Q That's when you went to prison, the first
 5 time?
 6 That's where -- that's the conviction that
 7 led you to being in Rikers in 1997, or is that
 8 the conviction that led to you being in Rikers
 9 and Sing Sing and Clinton and Upstate and
 10 Attica and Gowanda?
 11 A Yes.
 12 Q Which, the first or the second?
 13 A Second.
 14 Q Okay. So then -- did we skip -- so let me
 15 ask you: How old were you when you were in
 16 Rikers for the two-year period while you were
 17 awaiting trial?
 18 A I don't know.
 19 Q It was when you were a juvenile?
 20 A I was a teenager.
 21 Q And were you ever sexually assaulted when
 22 you were in Rikers during that two-year period?
 23 A No.
 24 Q Anyone ever touch you in a sexual manner
 25 without your consent?

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1 Brooks - Confidential
 2 Q Were you ever physically assaulted when
 3 you were living in the Albany area?
 4 A No. I had fights, though.
 5 Q Anything that required you to go to the
 6 hospital?
 7 A No.
 8 Q When you were arrested next for selling --
 9 I don't think it was selling.
 10 You said it was directing a sale?
 11 A Yeah.
 12 Q And that was while you were living in
 13 Albany?
 14 A No.
 15 Q Where?
 16 Where was that, I'm sorry?
 17 A It was in Manhattan.
 18 Q So at some point you moved from Albany
 19 back to Manhattan?
 20 A Yes.
 21 Q Okay. Ever sexually assaulted then?
 22 A No.
 23 Q Every had anyone touch your genitals?
 24 A No.
 25 Q Manhattan was when you were arrested for

Page 73

1 Brooks - Confidential
 2 A No.
 3 Q Anyone ever touch your genitals in any
 4 manner without your consent?
 5 A No.
 6 Q When you were in --
 7 A Well, let me not say that.
 8 The officers -- I was not consented, but
 9 it was part of their search procedures.
 10 Q Any other inmates?
 11 A No.
 12 Q Anyone who was seeing you, providing you
 13 medical treatment, touch you in your -- in a
 14 sexual manner without your consent?
 15 A No.
 16 Q That's when you were -- what about when
 17 you were in Rikers in 1997?
 18 A No.
 19 Q No sexual assault?
 20 A No.
 21 Q So you weren't the victim of a sexual
 22 assault?
 23 A No.
 24 Q No one touched you in your genitals in a
 25 sexual manner?

19 (Pages 70 to 73)

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Brooks - Confidential

A No.

Q Okay. Anyone touch you in your genitals in any manner without your consent other than the guards or a doctor or as part of a medical procedure?

A No.

Q Anyone ever -- so either of the first few times you were in Rikers, anyone ever assault you, at all, physically, not in a sexual manner?

A Yes.

Q There were fights in prison?

I'm sorry, fights when you were in jail?

A Yeah, I got cut.

Q And what were the circumstances?

Was it when you were in Rikers in 1995 or 1997?

A '95.

Q What were the circumstances?

A There was -- one of the prisoners was burning the bed. The officers had to let us out of our cells and put us in a pin. We weren't being watched. They just put us all in a pin.

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Brooks - Confidential

I got into an argument with a guy that was bullying another guy. And when me and him was about to fight, they jump -- people that knew me and knew him jumped in the middle and he reached over them and cut me.

Q Mr. Brooks, are you recording this on your phone, this deposition, my questioning of you?

A No.

Q Are you sure about that?

MS. O'CONNELL: Asked and answered.

Q You can answer.

A Yeah, I'm sure.

Q Okay. I ask that you put your phone in your pocket?

A It's too big to go in my pocket.

Q I ask you -- do you have a bag with you?

A Yes, I do.

Q I ask you to put it in your bag?

MS. O'CONNELL: Objection.

MR. BARTOLOMEO: Alternatively, we can always just have them hold it out there for the proceedings today.

A I'm -- no, no.

MS. O'CONNELL: Objection.

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Brooks - Confidential

A I'm not recording. My phone is not on, period.

You wanted look?

Look at my phone.

Q I don't need to look at your phone.

MR. SEIDENFELD: We can go off the record and discuss that.

MS. O'CONNELL: We can go off the record. (Discussion off the record.)

BY MR. SEIDENFELD:

Q Mr. Brooks, I just want to confirm that you're not recording today's proceedings on your phone; is that correct?

A That's correct.

Q You're not recording today's proceedings on any other device that you have with you?

A That's correct.

Q And if you, at some point, do start to record, will you let us know in advance?

A Yes.

Q We were talking about physical assault while were you in Rikers Island in 1995. And you had described an incident where you were cut.

Page 77

Brooks - Confidential

Any other incidents where you were physically assaulted in Rikers Island when you were there in 9995?

A I was cut on two separate occasions. And I got into a lot of fights there.

Q Did you ever receive any discipline for any of the fights?

A What do you mean, "discipline"?

Q Did you lose any privileges?

A Yes.

Q What happened? When?

What privileges did you lose?

A All of them.

Q Were you sent -- what do you mean by "all of them"?

A I was sent to punitive segregation, the box.

Q Solitary confinement?

A Yes.

Q For how long?

A I don't know. I was there for a long time.

Q More than a year?

A Yeah.

20 (Pages 74 to 77)

Page 78

1 Brooks - Confidential
2 Q So more than half of the two years that
3 you were there in 1995?
4 A A spent a lot of that time in a pin, yeah.
5 Q Any other -- strike that.
6 In 1997 when you were in Rikers Island,
7 were you ever physically assaulted?
8 A I got into fights there, too.
9 Q Okay. What were the circumstances of the
10 fights?
11 A It was gang related.
12 Q Were you in a gang when you were in Rikers
13 Island?
14 A Yes, I was.
15 Q What gang were you in?
16 A I was a Blood.
17 Q And did you join when you were in Rikers,
18 or you previously had been a member?
19 A No, when I was in Rikers Island.
20 Q And did you join that second time in 1997?
21 A There's no joining twice.
22 Q So the first time in 1995 you had joined?
23 A Yes.
24 Q Okay. And were the fights that you were
25 involved in 1995, were they gang related, too?

Page 80

1 Brooks - Confidential
2 Q What was it about?
3 A A new guy had come in, and it was an issue
4 over whether he would do, like -- because we
5 all had to, like, clean the house. And I was
6 informed that he said that he was not going to
7 clean like the rest of us. And so dudes
8 approached him and they started fighting with
9 him.
10 And then -- he was a really huge guy. So
11 people were running from him. And he came
12 directly to me. And I didn't run. We fought
13 until the police came.
14 Q When you say "house," you're just
15 referring to the section of the -- of Rikers
16 where you were located?
17 A Yeah.
18 Q So between 1995 and 1997, you were back in
19 New York City?
20 After you were released from Rikers, after
21 you were acquitted and before you were arrested
22 again in 1997 --
23 A Yeah.
24 Q -- ever sexually assaulted then?
25 A No.

Page 79

1 Brooks - Confidential
2 A Some of them.
3 Q Okay. What ones -- can you tell me about
4 the fights that weren't gang related?
5 A The fight where I got cut wasn't gang
6 related.
7 Q What was the dispute over?
8 A I told you that.
9 Q Okay. The one we just spoke about
10 earlier?
11 A Yes.
12 Q Okay. Any other fights in 1995 that
13 weren't gang related?
14 A Yeah, things like fighting over the
15 telephone and stuff like that.
16 Q But those weren't -- it was the fight that
17 we discussed earlier that led to you being sent
18 to solitary confinement where you were cut?
19 A The fight that sent me to solitary
20 confinement -- the first time, I was in
21 solitary confinement when I got cut.
22 Q Okay. So what was the fight that led you
23 to be assigned to solitary?
24 A It was a fight in the house, in the
25 housing unit.

Page 81

1 Brooks - Confidential
2 Q Ever physically assaulted during that
3 period?
4 A No.
5 Q Okay. When you were released from Rikers
6 in 1997, where did you go when you were
7 released?
8 A Went to my friend's house.
9 Q Okay. And in New York City?
10 A Yes.
11 Q Before you went to -- were you arrested,
12 again, before you went to Arizona?
13 A Before I went to Arizona, that was the
14 drug arrest.
15 Q That was the 1997 arrest?
16 A 1998.
17 Q Okay. So you were released in 1998?
18 A No.
19 Q I'm sorry, which --
20 A That's when it happened.
21 Q Okay, the drug arrest was in 1998?
22 A Yeah.
23 Q And that's when you went -- that's when
24 you were in Rikers, in Sing Sing, in Clinton,
25 in Upstate Correctional Facility, in Attica and

21 (Pages 78 to 81)

Page 82

1 Brooks - Confidential
 2 Gowanda?
 3 A Yeah.
 4 Q Okay. I'm sorry, and what was the 1997
 5 arrest for?
 6 I thought --
 7 A Weapon possession.
 8 Q That was for weapon possession.
 9 What type of weapon?
 10 A A gun.
 11 Q Was it -- this is separate from the
 12 weapon's possession we spoke about when you
 13 were younger, correct?
 14 A Yeah.
 15 Q What type of gun?
 16 A Forty-five.
 17 Q You ever fired it?
 18 A No.
 19 Q Okay. Where did you get it from?
 20 A One of my customers.
 21 Q I'm sorry?
 22 You said cousin or customer?
 23 A One of my customers.
 24 Q What were the circumstances that led to
 25 your arrest for the gun possession charge?

Page 84

1 Brooks - Confidential
 2 A Mm-hmm. Yes.
 3 Q I'm sorry?
 4 A I said yes.
 5 Q And then from about 1998 to, you said
 6 about 2004, you were in a variety of different
 7 correctional facilities; first in Rikers and
 8 then at several facilities in Upstate New York?
 9 A Yes.
 10 Q Okay. Were you ever physically -- so I'm
 11 going to ask you questions about all of these
 12 facilities in one, so we can just go through
 13 each question once.
 14 If you can tell me the answers are yes, if
 15 you can tell me which facility you were in,
 16 then we can hopefully move this along a little
 17 faster.
 18 Okay?
 19 A Okay.
 20 Q So from the period of 1998 to 2004 when
 21 you were in the different correctional
 22 facilities that we listed, were you ever
 23 physically assaulted?
 24 A Yes, I got into fights.
 25 Q How -- in which facilities?

Page 83

1 Brooks - Confidential
 2 A What was the circumstances?
 3 Q Did the -- how did the police come to know
 4 that you --
 5 A Well, they just pulled me over while I was
 6 walking down the street.
 7 Q And that was for a year.
 8 And you were released in 1998?
 9 A Mm-hmm.
 10 Q Okay. And where did you live in 1998?
 11 A With my friend in Manhattan.
 12 Q Okay. Were you sexually assaulted during
 13 that period?
 14 A No, I wasn't.
 15 Q Anyone ever touch you in a sexual manner
 16 during that period?
 17 A Has anyone ever touched me in a sexual
 18 manner?
 19 Q Without -- strike that.
 20 In that period, anyone ever touch you in a
 21 sexual manner without your consent in that
 22 period?
 23 A No.
 24 Q Okay. And then in 1998 you were arrested
 25 for, you said, for directing the sale of drugs?

Page 85

1 Brooks - Confidential
 2 A Clinton.
 3 Q What happened in Clinton?
 4 A There was a riot.
 5 Q What was your involvement?
 6 A What was my involvement?
 7 Well, I was gang banging at the time.
 8 Q So -- with the Bloods?
 9 A Yeah.
 10 Q And what did you -- what started the riot?
 11 A Well, two things started it. It was the
 12 night before a Blood had got cut. And when I
 13 was on my way to the yard, I was assaulted by
 14 another guy. So when we got into the yard, you
 15 know, it just erupted.
 16 Q When you say "assaulted," what did he do
 17 to you?
 18 A He punched me in the face.
 19 Q Did you fight back?
 20 A No. Not at that point I didn't.
 21 Q You fight back at a subsequent point?
 22 A When we got in the yard, yeah.
 23 Q And what did you do?
 24 A I hit him upside the head with a weight
 25 bar.

22 (Pages 82 to 85)

Page 86

1 Brooks - Confidential
 2 Q Were there any repercussions?
 3 A It was a big fight in the yard.
 4 Q Any repercussions for you individually?
 5 A It was a riot. So everybody was fighting.
 6 I was getting hit, people was getting hit.
 7 Q Sure.
 8 After the fact --
 9 A It wasn't an organized fight.
 10 Q I wasn't asking about -- I was asking
 11 after the fact.
 12 You know, before you had mentioned you
 13 were in a fight in Rikers and you had been sent
 14 to solitary.
 15 So I'm asking after --
 16 A Oh, oh, oh, oh. I think I understand
 17 better.
 18 Was there administrative repercussions
 19 because of --
 20 Q Yes.
 21 A Yes.
 22 Q And what were they?
 23 A Five years in the box.
 24 Q And was that all some -- "in the box," you
 25 mean in solitary?

Page 88

1 Brooks - Confidential
 2 A Yes.
 3 Q That was Upstate Correctional?
 4 A Yes, it was still punitive segregation.
 5 Q Is that the same -- so solitary
 6 confinement?
 7 A Yes.
 8 Q Did there ever come a point during this
 9 time in prison, in jail when you were out of,
 10 you said, punitive segregation; was there ever
 11 a point?
 12 A Yes, when I went to Attica.
 13 Q You were back in the general population?
 14 A Yeah.
 15 Q Were you ever in any fights at Attica?
 16 A None.
 17 Q Ever physically assault anyone in Attica?
 18 A No.
 19 Q Anyone ever physically assault you?
 20 A No.
 21 Q Ever sexually assaulted in Attica?
 22 A No.
 23 Q What about -- had somebody touched you in
 24 a sexual manner without your consent?
 25 A No.

Page 87

1 Brooks - Confidential
 2 A Yes.
 3 Q And was that all at Clinton?
 4 A Yeah.
 5 Q Do you remember what year that was,
 6 approximately?
 7 A Maybe '9 --
 8 Q Sorry?
 9 A '98, '99.
 10 Q So shortly after you were convicted in
 11 1998?
 12 A Mm-hmm.
 13 Q Okay. Any -- while you were in the
 14 various Upstate facilities that we discussed,
 15 and also in Rikers Island during this period,
 16 were you ever sexually assaulted?
 17 A No.
 18 Q Did you ever sexually assault anyone?
 19 A No.
 20 Q Were you ever touched in a sexual manner
 21 without your consent?
 22 A No.
 23 Q Okay. After you were release from
 24 solitary confinement and from Clinton, did you
 25 go to a different facility?

Page 89

1 Brooks - Confidential
 2 Q Okay. What about when you were in
 3 Gowanda, ever physically assault anyone there?
 4 A No.
 5 Q Anyone ever physically assault you?
 6 A No.
 7 Q Did you sexually assault anyone there?
 8 A No.
 9 Q Did they sexually assault you?
 10 A No.
 11 Q Were you ever touched in a physical manner
 12 without your consent when you were there?
 13 A No.
 14 Q You said you were released from Gowanda in
 15 about 2004?
 16 A Mm-hmm, yes.
 17 Q And then you moved to Arizona?
 18 A The Bronx.
 19 Q The Bronx for a short period?
 20 A Yeah.
 21 Q For about how long?
 22 A Few months.
 23 Q And did you meet your wife in New York or
 24 in Arizona?
 25 A In New York.

23 (Pages 86 to 89)

Page 90

1 Brooks - Confidential
 2 Q Okay. And you met her after 2004 when you
 3 were released?
 4 A No.
 5 Q When did you meet her?
 6 A She was a childhood friend.
 7 Q Okay. So you had known her since you were
 8 little?
 9 A Yes.
 10 Q Okay. And when did you start dating her
 11 before you were married?
 12 A When I came home.
 13 Q So in the 2004 period?
 14 A Yeah. I mean, we was -- we were writing
 15 each other back and forth when I was in prison,
 16 but we never was intimate until I came home.
 17 Q She ever visit you in prison?
 18 A She did.
 19 Q But you said you were not intimate with
 20 her until after you were released?
 21 A Yeah.
 22 Q Why did you decide to move to Arizona?
 23 A I wanted a new life.
 24 MR. SEIDENFELD: We'll take just a quick
 25 break.

Page 92

1 Brooks - Confidential
 2 before you moved?
 3 A Yes.
 4 Q Okay. Did you get the better life that
 5 you were looking for in Arizona?
 6 A Yes, I did.
 7 Q And what do you mean by a "better life"?
 8 A Well, we wasn't no longer living in the
 9 projects. We were living in a home. I was
 10 working. It was easier to find work in Arizona
 11 for me. So I was working. I held down three
 12 jobs, and my wife got to be a stay-at-home mom.
 13 Just better than New York, cleaner living.
 14 Q Were -- any -- any sexual assault -- were
 15 you a victim of any sexual assault when you
 16 were in Arizona?
 17 A No.
 18 Q You have any physical assault?
 19 A No.
 20 Q Any fights?
 21 A No fights.
 22 Q Were you still a member of the Bloods when
 23 you were in Arizona?
 24 A No.
 25 Q Was there a point when you were no longer

Page 91

1 Brooks - Confidential
 2 (Recess taken.)
 3 BY MR. SEIDENFELD:
 4 Q Sorry, I don't mean to be a pain.
 5 I want to make sure you're still not
 6 recording.
 7 A No, I'm not recording.
 8 Q You said that when you were released from
 9 prison in 2004 that you moved to Arizona for a
 10 better life.
 11 What did you mean?
 12 A I wanted to start all over.
 13 Q Did your wife move out with you --
 14 actually strike that.
 15 When did you marry?
 16 When did you get married, what year?
 17 A 2005.
 18 Q Okay. Were you married when you moved out
 19 to Arizona?
 20 A Yes.
 21 Q Did your wife move with you?
 22 A Yes.
 23 Q Did you have children at that time?
 24 A One daughter.
 25 Q Okay. The daughter was born in New York

Page 93

1 Brooks - Confidential
 2 a member?
 3 A Yes.
 4 Q Did you quit; is that --
 5 A Yeah, something like that.
 6 Q Okay. When did you -- when was that?
 7 A When I was in the box for five years.
 8 Q So before you were released, you decided
 9 that you were going to quit being in the
 10 Bloods?
 11 A Yes.
 12 Q Is "quit" the right term?
 13 A Not really, but --
 14 Q How would you --
 15 A -- it's --
 16 Q I'm sorry?
 17 A I mean, it's pretty much the same thing,
 18 but that's not the right term.
 19 Q How would you explain it?
 20 A I retired.
 21 Q Retired?
 22 A Yeah.
 23 Q So you would -- no -- so from -- that was
 24 when you were in Attica?
 25 A No, Upstate.

24 (Pages 90 to 93)

Page 94

1 Brooks - Confidential
 2 Q Upstate, okay.
 3 And since then have you had any
 4 affiliation with a gang?
 5 A No.
 6 Q Not even -- what about when you were in
 7 prison from 2012 to 2016?
 8 A No.
 9 Q What led you back to New York in 2012?
 10 Was it about 2012 that you returned to
 11 New York?
 12 A Yes, yes.
 13 Q Why did you come back?
 14 A Well, I separated from my wife. I fell on
 15 hard times while in Georgia. Couldn't find
 16 stable employment. I lost my apartment. And
 17 so I came back to New York to stay with my
 18 friend.
 19 Q Did you separate from your wife when
 20 you -- around the time when you moved from
 21 Arizona to Georgia?
 22 A Yes.
 23 Q Okay. Any assaults of any kind --
 24 involved in any assault of any kind when you
 25 were in Georgia?

Page 96

1 Brooks - Confidential
 2 Q What was the cause of the depression?
 3 A Separation from my wife and kids.
 4 Q Was it your wife's decision to initiate
 5 the separation?
 6 A Nah. It was my decision to initial -- it
 7 was my decision to separate, but . . .
 8 Q Why?
 9 A Mmm?
 10 Q Why?
 11 A We weren't happy.
 12 Q This is when you were still in Arizona?
 13 A Yeah.
 14 Q Did you go to seek -- did you go see a
 15 mental health professional?
 16 A Before or after the separation?
 17 Q Around the time period of the separation,
 18 you said -- I asked you if you had depression
 19 from it. You said yes.
 20 Did you go and seek any treatment for the
 21 depression?
 22 A I got treatment eventually, yes.
 23 Q And you say "eventually."
 24 When did you get treatment?
 25 A After I almost overdosed.

Page 95

1 Brooks - Confidential
 2 A No.
 3 Q Okay. Did you do -- and did you take any
 4 illegal drugs while you were in Arizona?
 5 A Yeah, marijuana.
 6 Q Okay. Anything else?
 7 A I drank from time to time.
 8 Q What about in Georgia?
 9 A Yeah.
 10 Q The same?
 11 A Same.
 12 Q Okay. And when you came back to -- you
 13 came back to New York, was it in 2012?
 14 A I'm not really sure.
 15 Q I'm sorry?
 16 A I'm not really sure about the dates.
 17 Approximately around those times, yes.
 18 Q Did you suffer a loss in the family or
 19 someone close to you in around 2011?
 20 A What do you mean, a death?
 21 Q A death.
 22 A No.
 23 Q In around 2011, were you diagnosed with
 24 depression?
 25 A Mm-hmm. Around there, yeah.

Page 97

1 Brooks - Confidential
 2 Q What did you -- was this -- what year was
 3 this, in 2011?
 4 A Yeah, I think so.
 5 Q What did you almost overdose on?
 6 A I don't know what it was. I know it was
 7 pills.
 8 Q Prescription pills?
 9 A It was pills in my friend's closet. I
 10 just took a bunch of them.
 11 Q That was because you were separated from
 12 your wife?
 13 A Yes, it felt like my life was falling
 14 apart. I didn't want to live, so . . .
 15 Q You were attempting to -- was it an
 16 attempt to take your life?
 17 A It was.
 18 Q Did you have to go to the hospital?
 19 A Yes.
 20 Q Okay. And what happened at the hospital?
 21 A I was unconscious. When I woke up, I had
 22 to speak to a therapist.
 23 Q This was in Arizona?
 24 A No.
 25 Q Was this in Georgia?

25 (Pages 94 to 97)

Page 98

1 Brooks - Confidential
2 A No.
3 Q This is back in New York?
4 A Yes.
5 Q Do you know the hospital?
6 A Nah, not really. St. Lutheran, maybe.
7 Q Here in Manhattan?
8 A No.
9 Q In the Bronx?
10 A In Brooklyn.
11 Q In Brooklyn, okay.
12 And how long were you in the hospital in
13 2011, do you remember?
14 A No.
15 Q Was it a month?
16 A I don't know. I think it was a couple of
17 months. I don't know.
18 Q You were in the hospital for an extended
19 period of time?
20 A I think a couple of months, maybe.
21 Q Okay. And was it -- were you there
22 voluntarily, or were you -- were you there
23 voluntarily?
24 A No.
25 Q You were -- why were you in the hospital

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1 Brooks - Confidential
2 for seven months -- for several months?
3 A Because of that incident.
4 Q Okay. So was it a determination made that
5 you needed to stay in the hospital because of
6 the incident where you tried to take your life?
7 A Yeah.
8 Q Okay. And did you receive treatment in
9 the hospital?
10 A Yes.
11 Q Okay. What kind of treatment?
12 A I was speaking to a therapist for a while,
13 and they gave me medication and I left.
14 Q Do you know what medication they gave you?
15 A Trazodone, I think.
16 Q Do you know what kind of medication that
17 is?
18 A I know it's for depression.
19 Q Did you take it?
20 A Yes.
21 Q Okay. Did it -- what were some of the
22 symptoms of depression you were having?
23 A I was sad a lot.
24 Q Anything else?
25 A I wasn't eating.

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1 Brooks - Confidential
2 Q Anything else?
3 A I was having problems with sleeping. I
4 was restless.
5 Q The medicine -- I'm sorry, did the
6 medicine help?
7 A Well, it kind of helped.
8 I was able to sleep, but I didn't like how
9 it felt in my head. It felt like my brain was
10 being squeezed or something.
11 Q When was the last time you took that
12 medicine?
13 A At that point?
14 Q Mm-hmm.
15 A When I was up north.
16 Q After you were -- after you were arrested?
17 A Yeah.
18 Q Okay. And that's when you were in
19 Franklin Correctional Facility?
20 A Yes.
21 Q You stopped taking it at some point after
22 you were in Franklin Correctional Facility?
23 A Yes.
24 Q Why did you stop taking it.
25 A Because at the time they were doing

Page 101

1 Brooks - Confidential
2 medication calls, I was new to the facility.
3 Q I'm sorry.
4 A I was new to the facility.
5 And I wanted to get on the phone and speak
6 to my wife.
7 My idea was that we could work on our
8 marriage and settle things.
9 But they called the medication call too
10 early. It was too early, so I wouldn't be able
11 to get on the phone and speak to my wife
12 because the medication put me to sleep.
13 So that's when I decided to stop taking
14 it.
15 Q Did you discuss it with a doctor at the
16 facility?
17 A No, I didn't want to discuss it with them.
18 I tried to smuggle it back, because they
19 wanted you to take it in front of them. And I
20 didn't want to do that. So I tried to smuggle
21 it back to my housing unit so I could be awake
22 in order to get on the phone, and take it when
23 I was ready to go to sleep. But they didn't
24 allow that, so . . .
25 Q Then was there a point when they stopped

26 (Pages 98 to 101)

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1 Brooks - Confidential
 2 prescribing it to you?
 3 A Yeah.
 4 Q When was that?
 5 A I don't remember.
 6 Q Do you remember why?
 7 A Yeah, because I told them.
 8 Q You told them you didn't want to take it
 9 any more?
 10 A Yeah.
 11 (Deposition Exhibit 1, Letter dated August
 12 3, 2017 from Stephen Reich to Derek Smith,
 13 marked for identification as of this date.)
 14 Q Mr. Brooks, did you go and visit -- did
 15 you have an evaluation by a doctor,
 16 Stephen Reich?
 17 A Yes, I believe so.
 18 Q Do you remember when that was?
 19 A No.
 20 Q Was it within the last year?
 21 A Possibly.
 22 Q Was the it after you filed your complaint
 23 against The Doe Fund and Mr. Washington and
 24 Mr. Cooper?
 25 A Yes, I believe so.

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1 Brooks - Confidential
 2 A That's in Manhattan.
 3 Q So how were you referred to Dr. Reich?
 4 A My attorney.
 5 Q You know Dr. Reich beforehand?
 6 A No.
 7 Q Why did you go see Dr. Reich?
 8 A For an evaluation, I believe.
 9 Q That was after you had filed the complaint
 10 in this case?
 11 A I believe so, yes.
 12 Q Were you honest when you spoke with
 13 Dr. Reich?
 14 A Yes.
 15 MR. SEIDENFELD: I'm going to give Mr.
 16 Brooks what's been marked as Plaintiff's
 17 Exhibit 1.
 18 Q Mr. Brooks, you can take a look through
 19 this, if you want, briefly. And then I'm going
 20 to ask you some questions.
 21 MS. O'CONNELL: Can we read the
 22 Bates-stamp into evidence, too?
 23 MR. SEIDENFELD: Yes.
 24 I'm handing Mr. Brooks what's been marked
 25 as Plaintiff's Exhibit No. 1, which is

Page 103

1 Brooks - Confidential
 2 Q How were you referred to Mr. Reich?
 3 How were you referred to Reich?
 4 THE WITNESS: Kelly, I can't remember.
 5 I've seen so many.
 6 MS. O'CONNELL: Only say what you can
 7 remember.
 8 A I don't remember.
 9 Q Were you referred to Mr. Reich by your
 10 attorneys?
 11 A I don't recall. I don't remember the
 12 doctor's name. I've seen so many different
 13 therapists.
 14 Q Do you know who -- do you have any
 15 independent recollection of who Mr. Reich is or
 16 doctor, I should say?
 17 A I don't know if it's the one that I got
 18 through my program or if it's the one that I
 19 went to go see.
 20 I'm bad with names and dates.
 21 Q Okay. If Mr. Reich -- if Dr. Reich's
 22 office was on East 55th Street, does that help
 23 refresh your recollection?
 24 A Yes.
 25 Q Okay. So how were you --

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1 Brooks - Confidential
 2 Bates-stamped Brooks 00036 through Brooks
 3 00049.
 4 Q Okay. Mr. Brooks, have you seen this
 5 before?
 6 MS. O'CONNELL: Take as much time as you
 7 need.
 8 MR. SEIDENFELD: We can go off the record
 9 while we're looking.
 10 Q Mr. Brooks, when you're done, let us know.
 11 A I believe so. Everything don't look
 12 familiar, but I believe I seen --
 13 Q You believe so, you've seen this before?
 14 A I believe so. Everything don't look
 15 familiar, but some things look like I've seen
 16 it before. I never read through that.
 17 Q You never read through the entire
 18 document?
 19 A No.
 20 Q But you've seen it and read through parts
 21 of it?
 22 A Yeah, I believe so.
 23 Q I'm going to direct you -- if the look on
 24 the bottom right of the pages, there's numbers
 25 that start Brooks 000. I'm going to direct you

27 (Pages 102 to 105)

Page 106

1 Brooks - Confidential
2 to Brooks 000041. Can you take a look at
3 No. 10.
4 Do you see that?
5 A Yes.
6 Q It says "On August 3, 2017, interviewed
7 Mr. Gregory Scott Brooks for a psychological
8 evaluation and report, including psychological
9 testing in connection with his civil litigation
10 against The Doe Fund."
11 Did you see Dr. Reich on August 3, 2017?
12 A I believe so.
13 Q Is that the only time you've seen him?
14 A Yes.
15 Q If you look below at No. 12, it says
16 "Psychological Evaluation of Gregory Brooks."
17 Did Dr. Reich ask you about your life and
18 your history and your experiences?
19 A He did.
20 Q And you told him the things that were --
21 you believed important for him to know about
22 your condition?
23 A I just answered the questions that he
24 asked me.
25 Q Okay. Did he ask -- what kind of

Page 107

1 Brooks - Confidential
2 questions did he ask you?
3 A Everything.
4 Q Did he ask you about the different events
5 and -- did he ask you about the various events
6 in your life -- he asked you about different
7 events -- strike that.
8 Did he ask you to tell him all the events
9 in your life that were considered by you to be
10 traumatic?
11 A No. He was just asking me questions, and
12 I was answering them.
13 Q Did he ask you questions -- he asked you
14 questions about your entire history, about your
15 entire life, correct?
16 A Yes.
17 Q Okay. And you told him the events that
18 you believed were important?
19 A I told him whatever he was asking me
20 about. It wasn't whether I believed they were
21 important or not. Whatever he was asking me
22 that related to the question is what I
23 answered.
24 Q Tell me some of the questions that he
25 asked you?

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1 Brooks - Confidential
2 A He asked me about my childhood, and I told
3 him about my childhood.
4 Q Did he ask you about your time in prison?
5 A We spoke on it, I believe.
6 Q Okay. Did he ask you about your
7 relationship -- strike that.
8 Did he ask you about your relationship
9 with your wife?
10 A Yes.
11 Q Did he ask you about any past instances
12 where you had been diagnosed with a mental
13 health illness?
14 A I don't recall.
15 Q Is it possible that he asked you that?
16 A I don't remember.
17 Q Did he ask you for medical -- did he ask
18 you for a history, a medical history, questions
19 about your medical background?
20 A No, I don't think so.
21 Q Did he ask you questions about whether you
22 had been depressed in the past?
23 A Yes.
24 Q If you look at the bottom of Brooks 41.
25 Mr. Brooks, you have to take a look at the

Page 109

1 Brooks - Confidential
2 document.
3 A Mm-hmm.
4 Q And I want you to see -- we're going to
5 look at the last paragraph.
6 And it says "Gregory Brooks is not certain
7 whether his parents married before or after he
8 was born."
9 Is that correct?
10 You have to say "yes" or "no."
11 A Yes.
12 Q Okay. It says (As read): "He originally
13 said that his parents married after he was
14 born, but as the interview went on, it became
15 very clear that he is uncertain of many of the
16 pertinent details concerning his early life."
17 Is that correct.
18 You have to say "yes" or "no," Mr. Brooks.
19 A Yes.
20 Q Okay. And "early life," do you mean up
21 until the period of around sixth grade?
22 A Repeat the question, please.
23 Q It says that Dr. Reich believes that you
24 were not clear about some of the details about
25 your early life.

28 (Pages 106 to 109)

Page 110

1 Brooks - Confidential
 2 So I want to know what period you consider
 3 "early life."
 4 Is it up until six grade, is it younger
 5 than that?
 6 A I believe we were talking about my family
 7 history. I did not know much about that. I
 8 didn't know much about any of the decisions
 9 that was being made or -- you know, they kept a
 10 lot away from me because I was the youngest.
 11 Q When you were a child?
 12 A Yeah.
 13 Q Okay. And then if you look a little down,
 14 it says "What is very crystal clear is that
 15 Gregory Brooks had a horrific early life
 16 through no fault of his own; an early life
 17 which ended in a double tragedy."
 18 Do you see that?
 19 You have to look at the document,
 20 Mr. Brooks. Still on that last paragraph.
 21 Do you see the part I just read?
 22 A Yeah.
 23 Q And "double tragedy" is referring to the
 24 deaths of your parents?
 25 A I assume so.

Page 112

1 Brooks - Confidential
 2 Q We discussed earlier when we were
 3 discussing this is that was your -- you
 4 believed that that was true as well?
 5 A I don't know what to believe.
 6 Q Or at least that you had doubt about
 7 whether the story that your parents told you
 8 about, how your mother contracted HIV, was
 9 truthful?
 10 A It was possible. She was cut. I remember
 11 that. I seen that. I seen the blood. I seen
 12 the scar. And I know she had to get a
 13 transfusion when I was a kid. I know that.
 14 Because it was a big deal.
 15 Q Sure.
 16 A But I just don't know if that was the
 17 reason why she contracted HIV.
 18 Q At least in your mind, there was -- you at
 19 least had some doubts about whether that was
 20 true or not?
 21 A Yeah.
 22 Q Okay. And then it says -- you look at the
 23 bottom of the paragraph on Brooks 42 on the
 24 next page on the first paragraph.
 25 Actually, strike that.

Page 111

1 Brooks - Confidential
 2 Q It says that you told Dr. Reich that your
 3 father was a heroin addict and contracted HIV
 4 through shared needles.
 5 Does that sound right?
 6 A I believe so.
 7 Q And that's as we've discussed before,
 8 correct?
 9 A Yes.
 10 Q And then it talks and says, "His mother
 11 told him a different story, but that story is
 12 so farfetched it must be doubted. He said his
 13 mother told him his father stabbed her with a
 14 knife, and that when she went to the hospital,
 15 she was given a blood transfusion which
 16 contained the HIV virus, and that his father
 17 contracted the HIV virus through unprotected
 18 sex with his wife."
 19 And that was what we discussed before?
 20 A Yep.
 21 Q Did you discuss with Mr. Reich that you
 22 found this story hard -- you found this story
 23 not particularly believable, or was that his
 24 assessment?
 25 A It was his assessment.

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1 Brooks - Confidential
 2 Did you discuss the incident with your --
 3 did you discuss with Dr. Reich that you
 4 observed your father stabbing your mother?
 5 A No, I don't recall that.
 6 Q Did you --
 7 A I --
 8 Q I'm sorry, go ahead.
 9 A I don't recall that. I remember the day.
 10 Q So you told him that it happened, but you
 11 didn't tell him that you had observed it?
 12 A No. I know I seen him leaving. I know
 13 they were arguing over money.
 14 Q Earlier you testified that you were -- you
 15 were at home when the incident happened,
 16 correct?
 17 A Mm-hmm. I was around five years old, I
 18 believe.
 19 Q Okay. And did you tell Dr. Reich that you
 20 were at home when the incident happened, or
 21 just that it happened?
 22 A I don't remember.
 23 Q Okay. If you look at the second paragraph
 24 on Brooks 42, it said: "After the death of
 25 both of his parents, life spiraled even more

29 (Pages 110 to 113)

Page 114

Brooks - Confidential
out of control for Gregory. He was soon placed in the first of a series of group homes as a person in need of supervision."

Is that what we discussed before in terms of the group homes when you were -- after you had been living with various friends and when you were at Tryon?

A Yes.

Q Okay. It says you "tried to run away from a placement in Berkshire Farms."

What is Berkshire Farms?

A It's a -- like a campus facility for boys.

Q Was that somewhere that you were sent after you were arrested when you were 14?

A Yeah.

Q Was that "yes"?

A Yes.

Q Okay.

A I don't know how old I was at that point. I don't remember.

Q But it was after your first arrest?

A Yeah, yes.

Q Then the next -- it says, "He said he had trouble with the law and had many fights. He

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Brooks - Confidential
also said his family didn't want him anymore."

Who were you referring to when you said that?

A My cousin.

Q This was the cousin that you were living with Upstate?

A Mm-hmm, yes.

Q How did you know -- what did the cousin say to you?

A She didn't say it to me, she said it to the courts.

Q Was there a -- was there a proceeding about whether you would stay living with your cousin?

A Yep.

Q How old was this cousin?

A I don't know.

Q This cousin was an adult?

A Yeah.

Q And what happened at the proceeding?

A I think the judge was about to let me out, and he asked is there anybody in the courtroom that was going to take me. My cousin was the only adult there, and she said no, that she

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Brooks - Confidential
couldn't control me. I don't listen. Nobody could control me.

Q That's what your cousin said?

A Mm-hmm.

Q And then where did you -- and then that was the point at which you -- where did you live after that?

A That's when I went through Berkshire Farms and then Tryon.

Q Okay. Then it says after Tryon you returned to the custody of a cousin when you why 15 or 16 years old.

Is that the same cousin?

A Mm-hmm.

Q Okay.

A Yes.

Q And that -- how long were you with that cousin?

A Not very long.

Q That was up until the point where you were arrested again for selling heroin?

A No.

Q When did you live -- how long were you with the cousin?

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Brooks - Confidential

A I don't know, about a couple of months.

Q And then did you go to -- then you moved Upstate?

A No, that's where I was. I was Upstate.

Q Upstate, okay.

And after the cousin, where did you go to live?

A New York.

Q Back in the city?

A Yup.

Q Okay. If you look at the third paragraph in this document, Brooks 42, it says "His life got worse. He was sentenced to four and a half to nine years in prison for selling heroin. He served that sentence in the Clinton Annex, Clinton Main Building, Upstate Correctional Facility and Attica. He served six years of the nine-year sentence."

Is that correct?

A Yes.

Q And you didn't tell Dr. Reich that you were in solitary for almost five years during this sentence?

A I don't remember if it came up or not.

30 (Pages 114 to 117)

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Brooks - Confidential

Q Do you have any recollection of telling him about it?

A No.

Q And then if you look, Mr. Brooks, at this third paragraph on 42, it says "After being out of prison" -- that's referring to the time when you were in Arizona and Georgia?

If you look at the third line, the last word of the third line, "after being out of prison."

A Which paragraph?

Q The third paragraph.

A "After being out of prison, he then was sentenced to another four years in prison."

Yeah, what about it?

Q That's the period when you were in Arizona and in Georgia?

A No.

Q After you were -- that encompass in between the period when you were realized from Attica and before you were in Franklin Correctional Facility, right, in that period you had lived in Arizona and in Georgia, correct?

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Brooks - Confidential

A Yeah.

Q And that's when you married your wife and had your children, in that period?

A I married my wife and had my children when I came home from the last prison bid, which was the four and a half to nine. That's when I lived in Arizona.

When I came back from Georgia, that's when I caught the four years in prison.

Q Okay. And if you look here at the next paragraph, it says you got married in approximately 2005, and separated and 2010, 2011.

Are you looking -- Mr. Brooks, you have to look at the document.

Do you see that, starting at the end of the first line on Paragraph 4?

A Yeah.

Q Do you see that?

Did you -- you didn't tell Dr. Reich that you -- because of the separation you took pills and tried to kill yourself?

A I don't know. I don't know if it came up.

Q Do you have any recollection of telling

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Brooks - Confidential

him that?

A It's possible. I don't know. I don't remember.

Q You don't think so?

A I don't remember.

Q Okay. Did you tell him that after you tried to kill yourself, that you were hospitalized -- strike that.

Isn't it true you didn't tell Dr. Reich that after you tried to kill yourself that you were hospitalized for several months?

A I don't remember.

Q Do you have a recollection of telling him that?

A No.

Q Why didn't you tell him that?

A I don't remember if I told him that or not.

Q If you told him that, do you think he would have included it in his report?

A I don't know what he would do.

Q But these were things that were important to your background, important to your history, correct?

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Brooks - Confidential

A What, things these that was important to my background --

Q I'll ask you a different question.

Do you think that being in solitary confinement -- isn't it true that being in solitary confinement for five years played an important -- or was a significant contributor to your mental health problems?

A That's what they say. That's what I read about.

But when I was in the box for all that time, it was my rediscovery. That's when I realized that I had talent that I didn't know that I had. That's when I was writing books and designing clothing.

So for other people it was -- it may have been that. It did cause stress at times, being locked in 23 hours a day. But I made the best out of it by staying busy.

Q It was a stressful time?

A Being in prison is a stressful time, period.

Q Okay. And being in solitary is even more stressful?

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1 Brooks - Confidential
2 A It can be.
3 Q Was it for you?
4 A Like I said, I had my moments.
5 Q And separation with your wife in around
6 2011 was a significant contributor -- played a
7 significant role in your mental health status?
8 A It depressed me.
9 Q And it depressed you to the point where
10 you tried to take your own life?
11 A I didn't want to live.
12 Q As a result the recovery from which led
13 you to stay in the hospital, be hospitalized
14 for several months?
15 A Yeah.
16 Q And you don't recall whether or not you
17 shared this information with Dr. Reich?
18 A No, I don't.
19 Q Okay.
20 A Can we break now?
21 I'm hungry.
22 Q Sure, we can take a break.
23 A Thank you.
24 (Luncheon Recess: 1:00 p.m.)
25 AFTERNOON SESSION

Page 124

1 Brooks - Confidential
2 my presence. Now I hate myself."
3 What did you mean by that?
4 A I don't recall. I don't recall why I said
5 that.
6 Q Do you hate homosexuals?
7 A No.
8 Q Did you have any negative feelings towards
9 homosexuals?
10 A No.
11 Just in a situation like this, yeah. As
12 far as them being homosexual, no, that's none
13 of my business.
14 Q Is it true that you try and avoid contact
15 with people who are homosexual?
16 A Mm-hmm.
17 Q And why is that?
18 A In prison you don't want to -- that's a
19 prison custom.
20 Q What do you mean, it's a "prison custom"?
21 A You don't want to be involved with
22 homosexuals.
23 Q What do you mean be "involved"?
24 A You don't want to be associated with
25 homosexuals in prison.

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1 Brooks - Confidential
2 (Time noted: 1:53 p.m.)
3 GREGORY BROOKS, resumed and
4 testified as follows:
5 EXAMINATION BY (Cont'd.)
6 MR. SEIDENFELD:
7 Q Mr. Brooks, we're going to ask you a few
8 more questions about Plaintiff's Exhibit 1,
9 which I believe you still have in front of you.
10 If you could turn to Brooks Page 44 at the
11 bottom.
12 See where it says "Adult Sentence
13 Completion Test"?
14 A Yes.
15 Q Was that part of your examination with
16 Dr. Reich where he asked you a series of
17 questions and ask you to provide the end of the
18 sentence?
19 A Yeah, I believe so.
20 Q Okay. Take you to the second -- turn to
21 the next page.
22 I want you to look, one, two, three, four,
23 five bullets from the top.
24 You see that?
25 It says "I hate homosexuals that is are in

Page 125

1 Brooks - Confidential
2 Q Are people in prison who engage in
3 homosexual activities that aren't -- they
4 wouldn't consider themselves homosexual?
5 A That what.
6 Q Are -- did you ever encounter people in
7 prison who engaged in homosexual activities but
8 didn't consider themselves homosexual?
9 A No, I can't say that.
10 Q In prison, did you ever -- were you ever
11 involved in any homosexual activities?
12 A No.
13 Q Any sexual activities with another man
14 while in prison?
15 A No.
16 Q What about outside of prison?
17 A No.
18 Q How long did you meet with Dr. Reich for?
19 A I don't know, a few hours.
20 Q Two? three?
21 A Possibly more than that. I don't really
22 remember. But it was a few hours.
23 Q At the beginning you said that you are
24 currently taking Trazodone -- can you tell us
25 what the prescription was. I can't read my own

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1 Brooks - Confidential
 2 writing. I apologize.
 3 A Trazodone.
 4 Q Trazodone?
 5 A Yeah.
 6 Q Okay. And how long have you been taking
 7 it?
 8 A It's Trazodone or Rimron [phonetic]. I
 9 think that's how you pronounce it.
 10 Q Are you taking both?
 11 A One or the other. It's either Trazodone
 12 or Rimron. I know it's something for my sleep.
 13 Q Okay. And it's just one prescription,
 14 you're not sure which one it is?
 15 A Yeah.
 16 Q When did you start taking that
 17 prescription?
 18 A Couple of months back.
 19 Q Okay.
 20 A This time, because I took it before.
 21 Q Within 2018?
 22 A Yes.
 23 Q When you said you took it before, when was
 24 that?
 25 A 2017 and 2012. Yeah, 2012.

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1 Brooks - Confidential
 2 it now. It's as needed when I can't rest.
 3 Q Okay. So it's not on a regular -- so now
 4 it's not on a regular basis?
 5 A No, it's just when I need it.
 6 Q So when do you need it, to rest?
 7 A Yeah.
 8 Q In 2017 it was the same thing, you just
 9 took it when you needed it to rest?
 10 A Yeah. When I couldn't rest, yeah.
 11 Q And what about in 2011-2012, then were you
 12 taking it regularly?
 13 A Yeah, I was taking it regularly. Sometime
 14 I miss it. Sometimes I would miss.
 15 Q That was up until the point when you
 16 stopped taking it, when you were in Franklin?
 17 A Yeah.
 18 Q Okay. I'm going to ask you some questions
 19 about your time as a participant in the Ready,
 20 Willing & Able program.
 21 Do you know when you first arrived at the
 22 Ready, Willing & Able program?
 23 A The actual date, no. I'm not good with
 24 dates.
 25 Q Does end of June 2016 sound right to you?

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1 Brooks - Confidential
 2 Q Do you remember if it was Rimron, or the
 3 other one in either of those cases?
 4 A No. I know it was Trazodone in 2011. I'm
 5 pretty sure it was Trazodone.
 6 Q What about in 2017?
 7 A No. The doctor was wondering did they
 8 want I give me that or did they want to give me
 9 something else.
 10 I just know it was a sleeping thing.
 11 Q In 2017, it was a sleeping medication?
 12 A Yeah, and in 2018.
 13 Q And for how long did you take it in 2017?
 14 A Until it ran out.
 15 Q Do you remember when in 2017 you started
 16 taking it?
 17 A No.
 18 Q Was it beginning of the year, end of the
 19 year?
 20 A I don't remember.
 21 Q When you say until it ran out, you just
 22 took one prescription's worth?
 23 A Yeah.
 24 Q Was it a month?
 25 A Maybe a little over. I did it like I do

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1 Brooks - Confidential
 2 A June 2016?
 3 Yeah, I guess.
 4 Q And why did you go to The Doe Fund to join
 5 the Ready, Willing & Able program?
 6 A While I was on parole, somebody came, and
 7 I guess a recruiter of sorts, came in and he
 8 said that they give you work and housing --
 9 and -- immediate work. They put you to work
 10 immediately and they give you housing. And
 11 that's exactly what I needed, so . . .
 12 Q And did they give you counseling?
 13 A Counseling?
 14 Q Counseling?
 15 A Like mental health counseling?
 16 Q Like you had -- did you work with a
 17 caseworker?
 18 A Yeah.
 19 Q Okay. And they gave you -- in part, it
 20 was to give you training to reenter the
 21 workforce?
 22 A They had training programs. They had a
 23 work -- we went on routes every day, as far as
 24 work was concerned. But they also had training
 25 for other programs. And I believe I signed up

33 (Pages 126 to 129)

Page 130

1 Brooks - Confidential
 2 for pest control.
 3 Q Okay. And the purpose of -- another
 4 purpose of being in the Ready, Willing & Able
 5 program was to help you find work at an outside
 6 employer that was outside of The Doe Fund?
 7 A My understanding was, the idea was for
 8 stable -- what was the term?
 9 I think it was "independent living,"
 10 meaning consistent work and housing.
 11 Q Very shortly after you joined the Ready,
 12 Willing & Able program you started working for
 13 4C Foods?
 14 A Yes.
 15 Q What did you do at 4C?
 16 A I was a forklift operator.
 17 (Deposition Exhibit 2, Document
 18 Bates-stamped TDF 00001 through TDF000004,
 19 marked for identification as of this date.)
 20 Q Mr. Brooks, I'm going to hand you what's
 21 been marked as Plaintiff's Exhibit No. 2, which
 22 is Bates-stamped TDF0001 through TDF0004.
 23 Mr. Brooks, is this the terms -- is this
 24 the sheet documenting the terms of
 25 participation that were part of you joining the

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1 Brooks - Confidential
 2 A Yes.
 3 Q And you were assigned a case manager?
 4 A Yes.
 5 Q And do you know who that was?
 6 A Dash Porter.
 7 Q Dash Porter is a male?
 8 A Yeah.
 9 Q You know Dash Porter's race?
 10 A No.
 11 Q Is Dash Porter African-American?
 12 A Could be. Could be mixed with something
 13 or something else.
 14 But does he have brown skin, yes.
 15 Q And if you'll look a couple of lines down,
 16 the third line from the bottom, you see where
 17 it says "I understand and agree that my failure
 18 or refusal to follow these Terms of
 19 Participation and/or my ILP may result in
 20 discharge from RWA and a possible transfer to
 21 another DHS facility."
 22 Do you see that?
 23 A Third line from the bottom?
 24 Q Here.
 25 A This one?

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1 Brooks - Confidential
 2 Ready, Willing & Able program?
 3 A Yes, I believe so.
 4 Q Okay. And take a look at the last page of
 5 the document.
 6 You see where it says "Participant's
 7 Signature"?
 8 A Mm-hmm.
 9 Q That's your signature?
 10 A Yes.
 11 Q And see the date is 6/28/16?
 12 A Yes, I see that.
 13 Q And that's about the date you joined the
 14 Ready, Willing & Able program?
 15 A Mm-hmm.
 16 Q Go back to the first page.
 17 You see in the second paragraph it says "I
 18 understand and agree that, as a participant
 19 ("trainee) in RWA, I must follow all the
 20 program rules, regulations and guidelines as
 21 set forth in this statement in my independent
 22 living plan, which I will develop with my case
 23 manager."
 24 And this independent living plan is what
 25 you referenced before?

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1 Brooks - Confidential
 2 Q See where I'm reading from?
 3 A Yes.
 4 Q You understand this document was outlining
 5 the terms and conditions of you participating
 6 in the RWA program?
 7 A Yeah.
 8 Q Okay. And do you see below where it says
 9 "A. Program Rules"?
 10 A "A. Program Rules"?
 11 Q Yes.
 12 Those were all the rules you were expected
 13 to follow as --
 14 A Oh, "A. Program Rules." I see it.
 15 Q -- in order to stay in the program?
 16 A Yeah, I see it.
 17 Q And things like if you just look at number
 18 seven, for example, "Curfew is 10:00 p.m.,
 19 unless a late/overnight pass has been
 20 approved," that was one of the rules of the
 21 program?
 22 A Curfew is at 10:00 p.m. or earlier, if
 23 required by a trainee's parole officer.
 24 Q That was one of the rules, just like all
 25 these others rules listed here.

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1 Brooks - Confidential
 2 You were told you had to follow them in
 3 order to stay in the program?
 4 A Yes.
 5 Q Did you read this at the time when it was
 6 given to you?
 7 A Yeah, I skimmed through it.
 8 Q Okay.
 9 A But I had my counselor there with me to
 10 point out things that were important.
 11 Q Your counselor --
 12 A Dash Porter.
 13 Q Do you remember what Dash Porter pointed
 14 out to you?
 15 A No.
 16 Q Okay. So you don't remember, what, if
 17 anything, was pointed out?
 18 No?
 19 You have to answer the question?
 20 A No, I don't recall.
 21 Q Take a look at Page TDF0003, the third
 22 page of the document. Let me just ask you.
 23 You mentioned that you skimmed or read the
 24 document.
 25 You don't have any trouble reading or

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1 Brooks - Confidential
 2 Do you understand that there were three
 3 different phases of the RWA program?
 4 A I understand that.
 5 Q Okay. And orientation, was that
 6 when -- strike that.
 7 You see below, right below, it says "I
 8 understand that the orientation phase is
 9 approximately 30 days, which staff may shorten
 10 or lengthen based on an assessment of my needs
 11 and conduct. During orientation, I must remain
 12 on facility grounds, except for preapproved
 13 appointments, which may include visits to
 14 health care providers or criminal justice
 15 supervision agencies. During this phase, I
 16 will be assigned to an in-house work crew
 17 responsible for various tasks. I acknowledge
 18 that during the orientation, I will receive a
 19 \$15 stipend. I understand I am not an employee
 20 of The Doe Fund, and that this stipend is not a
 21 salary or wage, but is only an incentive to
 22 recognize my participation and compliance with
 23 the program."
 24 When you first started RWA in the RWA
 25 program, were you assigned to an in-house work

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1 Brooks - Confidential
 2 understanding a document like this?
 3 A No.
 4 Q Okay. Now, before you mentioned you had
 5 written some books and articles?
 6 A Mm-hmm.
 7 Q Just what book -- what was the name of the
 8 book that you wrote?
 9 A "The Psychology of Freedom."
 10 Q Okay. How long was it?
 11 How many pages was it?
 12 A 420, I think.
 13 Q Okay. You wrote it all on your own?
 14 A Yes.
 15 Q And you self-published it, right?
 16 A I did.
 17 Q You can take a look back at "D. Program
 18 Phases."
 19 Do you see that?
 20 A Yes, I see it.
 21 Q It says, "I acknowledge that RWA has three
 22 phases (Orientation, Workforce Development and
 23 Graduate Services). Staff may shorten or
 24 lengthen the time I spend in each phase based
 25 on my specific needs and conduct."

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1 Brooks - Confidential
 2 crew?
 3 A Yes, I did in-house work.
 4 Q Okay. For about a couple of weeks?
 5 A Yes.
 6 Q It was less than a 30-day period?
 7 A I believe so. I'm not really sure.
 8 Q Okay. And you see that it says you'll
 9 receive a \$15 weekly stipend; did you?
 10 A Yeah, I received maybe 30, \$30, something
 11 like that.
 12 Q You see after that it says I understand
 13 that I am not an employee of The Doe Fund and
 14 that this stipend is not a salary or a wage.
 15 Did you understand that?
 16 A Yes.
 17 Q If you go to the next paragraph, it says,
 18 "I understand that when the staff determine --
 19 when the staff -- strike that.
 20 If you go to the next paragraph it says,
 21 "I understand that when staff determine that I
 22 have successfully completed the Orientation
 23 phase, I will be in the Workforce Development
 24 phase of the RWA. I will be assigned to a work
 25 crew and will be paid training incentive of

35 (Pages 134 to 137)

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1 Brooks - Confidential
 2 \$9.20 for 30 hours a week (\$276 total.)
 3 And then I'm going to skip ahead to the
 4 sentence that says -- at the end of the third
 5 line from the bottom, "I understand that I am
 6 not an employee of The Doe Fund, and that this
 7 training incentive does not constitute wages,
 8 but rather an incentive in recognition of my
 9 progress in the program."
 10 You were assigned to the Workforce
 11 Development phase of the program in the
 12 beginning of July 2016?
 13 A Yes.
 14 Q And the stipend that you received was part
 15 of your -- was an incentive for recognition of
 16 your progress in the program?
 17 A I received paychecks on a comdata card.
 18 Q So you received them -- the stipend that
 19 you received was on a debit card?
 20 A I don't -- was it a debit card?
 21 It was a card that they gave me through
 22 The Doe Fund.
 23 Q Okay. And you understood that as part of
 24 the Workforce Development program, that you
 25 weren't an employee of The Doe Fund?

1 Brooks - Confidential
 2 A No, I was on a work crew.
 3 Q You were on the work crew as part of the
 4 Workforce Development phase of the Ready,
 5 Willing & Able program?
 6 A Yes.
 7 Q And after you were through with the
 8 Workforce Development phase, did you begin to
 9 work for 4C Foods?
 10 A No, I stopped working for them.
 11 Q The work --
 12 A It wasn't -- I never completed that
 13 "phase." I was receiving -- I was having
 14 problems at work with my routes, and I felt
 15 uncomfortable, so I ceased working with The Doe
 16 Fund and found my own job, which was 4C.
 17 Q You say you ceased working.
 18 You mean you ceased participating in the
 19 Workforce Development phase of the Ready,
 20 Willing & Able program?
 21 A Yeah, I quit. I quit the job.
 22 Q You stopped going on the routes, which
 23 were part of the Workforce Development program?
 24 A Yes, I did.
 25 Q And you started working for 4C at the end

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1 Brooks - Confidential
 2 of August 2016?
 3 A I don't remember what the date was, but
 4 eventually I stopped and I started working for
 5 four seasons.
 6 Q You stopped -- when you say you -- strike
 7 that.
 8 Mr. Cooper -- I apologize for that. My
 9 apologizes.
 10 Mr. Brooks, you said it's 4C, as in the
 11 letter "C" and not "Seasons"?
 12 A It's the same name for the company. It's
 13 called 4 Seasons and 4C.
 14 Q It's the same place?
 15 A Same place.
 16 Q Okay. And from the time you started
 17 working for 4C, did you ever have -- from the
 18 time you started working for 4C, did you ever
 19 receive any additional stipends from The Doe
 20 Fund?
 21 A I stopped dealing with them altogether. I
 22 was only dealing with them when I had to report
 23 to the case manager.
 24 Q You mean you stopped dealing with them --
 25 I'm still unclear because you still were living

1 Brooks - Confidential
 2 in The Doe Fund's Gates Avenue Facility --
 3 A Yes.
 4 Q Just let me finish.
 5 -- while you were working for 4C Foods --
 6 and the court reporter can read that back to
 7 you if you need to hear the whole question.
 8 MR. SEIDENFELD: Maybe let's read it back
 9 to him.
 10 (Record read.)
 11 Q Mr. Brooks, I just want to make sure we're
 12 clear.
 13 You said that you stopped dealing with The
 14 Doe Fund when you started working for 4C Foods.
 15 But my question, and I'm a little confused
 16 by that, because it's my understanding while
 17 you were working for 4C Foods, that you still
 18 lived in The Doe Fund Gates Avenue Facility; is
 19 that correct?
 20 A That is correct. I was only on DHS
 21 shelter status, at that point. That's what
 22 they told me.
 23 Once I got a job, I was no longer a Doe
 24 Fund participant. And so one of the things
 25 they offered to me was no longer available to

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me. So I was just "shelter status." That's what they called it.

Q You said you weren't -- so did you not meet with your caseworker after you started working for 4C?

A Yes, I did. I had to meet with -- that's what I said. I had to meet with my caseworker to prove that I was trying to find my housing and to give updates and turn in my pay stubs.

Q And caseworker, Mr. Porter, even while you were working at 4C was still -- was helping you with this processes or guiding -- at least guiding you through them?

A No. I was pretty much doing things on my own. They would come to me with certain offers, and some of them I would look into.

But by that time it wasn't -- it wasn't Mr. Porter, because they switched my case manager, eventually.

Q Okay. Who did they switch your case manager to?

A His name was Young. O'Neil Young. I believe that was his name.

Q Do you know what Mr. O'Neil's race was?

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A I believe he was African-American, I don't know.

Q So even while you were working with 4C, as part of the RWA program, you were working with your case manager who either was Mr. Porter or Mr. Young, they were working with you to help you find housing?

A I was required to turn in my pay stubs to prove that I was working so I could get my passes, my late night passes, because it was a late night job.

Q I understand that. But I just want to ask you a slightly separate question.

So while you were working with 4C, both Mr. Porter and Mr. Young were involved, at least to some extent, in helping assisting you or guiding you in finding housing?

A No.

Q Not at all?

A No.

What I had to do -- what I was required to do was convey to them that I was attempting to find housing. So I had to prove to them that I was doing a housing search.

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Brooks - Confidential

Mr. Porter, a couple of times he told me about a couple of different sites that I could sign up to, but I don't recall if it was before or after I stopped working with The Doe Fund.

Mr. O'Neil gave me a couple of leads on apartments. But I conveyed to Mr. O'Neil that I had already obtained an apartment, and I was waiting for the construction to be done with it before I was able to move in.

Q Okay. So while you were still living at Gates Avenue, you had obtained subsequent housing?

A Yes, I did.

Q And that's the 630 Howard Avenue address?

A Yes, it is.

Q That's where you went to live after you left Gates Avenue?

A Yes.

Q I just want to -- one more follow-up question.

So after you started working for 4C, did you ever receive any compensation in any form from The Doe Fund?

A I don't know, because I stopped using that

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card. I know that they used to put money on that card. And we had an issue because I wanted to take the money off of the card and put it in my own private bank account. They refused. So I just stopped dealing with the money situation with them totally.

Q That money was a stipend either from your participation in the Orientation in-house program or the Workforce Development program?

A Yeah, it was payment for the work I was doing on the street crews.

Q As part of the Workforce Development part of the program -- of the RWA program?

Do you understand my question?

A I believe so. I guess, yes.

Q Maybe I'm not asking clearly.

But after the stipends you received for the Workforce Development part of the program, did you receive any other monies from The Doe Fund as part of the RWA program?

I don't -- is it true that you haven't -- you didn't -- strike that.

Is it true that you didn't -- strike that.

Is it true that you didn't receive any

37 (Pages 142 to 145)

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Brooks - Confidential
 monies or stipends from The Doe Fund after the
 completion of your time in the Workforce
 Development part of the RWA program?

A I don't know if they actually put money on
 that card again, because I never used it any
 more after the conversation that I had with
 Timothy Matthews.

I was completely turned off, and didn't
 want to deal at all. So I just put the card
 away and didn't discuss money or anything with
 them, and tried to avoid them as much as I
 could.

Q Who was Timothy Matthews?

A He was the assistant director?

Q Do you know what Mr. Matthews' race is?

A No. Maybe Spanish or Caucasian. He's
 light skin.

Q When was this conversation with
 Mr. Matthews?

A I don't remember the exact date.

Q Was it while you were working for 4C?

A I believe so.

Q Okay. And you provided to us all the
 records that you had, of any stipend payments

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Brooks - Confidential
 you received from The Doe Fund?

A I believe I had a printout from
 Mr. Matthews, and that's all that I had. And I
 do believe that I gave it to my attorney.

Q Let me ask: Is there anything in your
 possession showing -- strike that.

Do you have any records showing any monies
 you received from The Doe Fund that you haven't
 provided to your counsel?

A No, not that I know of.

Q Okay. When you were working -- strike
 that.

When you were assigned to the in-house
 phase of the RWA program, did anything negative
 happen to you at The Doe Fund, just in the very
 initial period?

A No, not that I recall. I mean --

Q I sorry. Go ahead.

A While I was in-house?

Q If you can't recall, that's fine.

A I believe I was still in-house when Terry
 made a comment about being chained -- nope,
 that wasn't in-house. I wasn't. I was
 actually at a route.

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Brooks - Confidential
 So, yeah, through the orientation phase, I
 didn't have no problems. No problems.

Q Did you know Mr. Cooper prior to you
 arriving at the Gates Avenue facility?

A No, I did not.

Q Okay. Did he have any involvement in the
 in-house activities at the -- as part -- at the
 RWA program?

A Not that I know of.

Q Do you know what Mr. Cooper's title was?

A Dispatch supervisor.

Q I'm sorry, do you know what Mr. Cooper's
 race was?

A He was either black or Latino. I'm not
 sure.

Q Do you know who -- did Mr. Cooper have a
 boss at The Doe Fund?

A I assumed that -- what's his name?

I assumed that Mr. Washington and
 Mr. Matthews were his boss. Now, I'm not so
 sure.

Q When you say "Mr. Washington," you're
 referring to James Washington?

A Yes, I am.

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 Q And Mr. Matthews is Timothy Matthews, who
 we discussed before.

Do you know if Mr. Cooper reported to
 Craig Trotta?

A Who?

Q Craig Trotta?

A I don't know who that is.

Q Did you ever see a Craig Trotta when you
 were at the Gates Avenue facility?

A I don't know who you're talking about.

Q You know that Mr. Cooper was a homosexual
 when you met him?

A Yes. From comments that he was making,
 yes.

Q What comments?

A He was making a lot of sexual comments.

Q When?

When was this?

A Since the day I walked in the door I
 observed him making sexual comments with other
 people.

Q So on the first day what comments did you
 observe him making?

A I don't remember exactly what he said, but

38 (Pages 146 to 149)

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Brooks - Confidential

I remember it being a sexual comment.

Q Do you remember who he was making them to?

A No. I didn't know nobody that was in the building. I knew that Mr. Washington was there, though.

Q You said Mr. Washington observed Mr. Cooper making, what types of comments?

A It was something sexual. I don't remember exactly what he said.

Q Was it something that just indicated that he was homosexual, or was it something -- was he talking about -- I'm sorry.

Was it comments -- was he talking about a significant other or a boyfriend?

A He was talking to somebody that was there.

Q Were they comments that were -- you found inappropriate?

A Yeah. I found it kind of strange for him to be making those type of comments in there.

Q When you say "those types of comments," I'm just trying to understand what you mean?

A Flirting. Flirtatious comments he was making with the other guys there.

Q Other Ready, Willing & Able participants?

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A Yeah. Yeah, and staff.

Q And other -- and employees of The Doe Fund?

A Administration staff, I guess you would call them.

Q People that worked for The Doe Fund.

Do you remember who?

A At that time I didn't know who was who. It was my first day.

Q Did you come to know who these people were later on?

A I found out who James Washington was. But the other people, they were, like, blur. I don't really -- I just seen a lot of people -- that first day I seen a lot of people walking around. So I didn't, like, pinpoint who was who.

Q You saw Mr. Cooper make a flirtatious comment to James Washington?

A No. He made it to someone else in the presence of James Washington. And James Washington laughed and walked away.

Q You don't remember when, though?

A That was the first day I was there,

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sitting, waiting.

Q You don't remember to who?

A No.

Q You don't remember the comment?

A I don't remember exactly what he said, no.

Q And did you report this to anyone?

A No.

Q Why not?

A Because it wasn't none of my business. He didn't say it to me.

Q So it didn't upset you?

A I didn't feel comfortable with it. I made a point that I would be as brief as possible with him, because I could see that he was loose like that, so . . .

Q You're referring to Mr. Cooper?

A Yes.

Q When you say he was "loose like that," what did you mean?

A He was loose with his sexual jokes and comments.

Q And you didn't report that to anyone?

A No.

Q You said you made it a point to stay away

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from Mr. Cooper?

A I made it a point to interact with him as little as possible.

Q Okay. And just to go back to the comment that you said you observed on the first day, you can't remember the comment, correct?

A No.

Q You can't remember who made the comment, correct?

A It was Mr. Cooper.

Q You don't remember who he made the comment to?

A No.

Q Initially, you wanted to go speak with Mr. Cooper about being assigned to the Hudson route?

A I think -- I believe I spoke to Dash Porter about that.

Q Did you also speak to Mr. Cooper about it, at some point?

A I remember speaking to him when I wanted to get taken off that route. But it's possible I did ask him about the route, too. I don't remember, though.

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1 Brooks - Confidential
2 (Deposition Exhibit 3, Document Entitled
3 "Complaint", marked for identification as of
4 this date.)
5 Q I just handed Mr. Brooks what's been
6 marked as Plaintiff's Exhibit 3, which is his
7 complaint in this pending litigation.
8 Have you seen this before, Mr. Brooks?
9 A Yes.
10 Q These are your allegations against The Doe
11 Fund and Mr. Washington and Mr. Cooper in this
12 case?
13 A Yes.
14 Q To the best of your ability, you believe
15 everything in this complaint is truthful and
16 accurate?
17 A Yes.
18 Q I want to take you to -- if you look on
19 the left-hand side of the document, you see
20 that each of the sentences have a number next
21 to them. So I'm going to refer you to
22 different paragraphs by their number.
23 Okay?
24 A Okay.
25 Q Take a look at Paragraph 26. It says

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1 Brooks - Confidential
2 A He was in control about that. He was in
3 control of the routes.
4 When I asked around about who was in
5 control of the routes, they told me I had to
6 speak to Terry.
7 So I said this, right here, in a room
8 filled with other participants. And this is
9 when he made the comment that he likes to be
10 pulled up, chained down and whipped.
11 Q So that's your belief, that on this
12 July 6th, he said that in response to you
13 asking about being assigned to the Hudson
14 route?
15 A Yes.
16 Q Who else was there?
17 A It was several other participants. I
18 don't know -- I don't know them. I was pretty
19 quiet. I didn't speak to many people.
20 Q Is it possible that the comment you're
21 attributing to Mr. Cooper occurred later on?
22 A No.
23 Q Okay. How did you -- so you said other
24 people told you that Mr. Cooper was the person
25 to see about being assigned to a route?

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1 Brooks - Confidential
2 on -- are you there?
3 It's on Page 4, at the bottom of the page.
4 It says (As read): "On or around
5 July 6th, plaintiff told defendant Cooper, 'Hey
6 Terry, I want to pull you up later to find out
7 about that Hudson Route'.
8 A That's right, yes.
9 Q Does that refresh your recollection about
10 whether you initiated --
11 A I --
12 Q I'm sorry. I know you know -- like I
13 said, I know you know where I'm going. You
14 just have to let me finish for the record.
15 That refreshes your recollection about
16 whether you initiated a conversation with
17 Mr. Cooper about joining the Hudson route?
18 A Yes, it does.
19 Q Okay. And this was -- even though you had
20 already felt that you observed Mr. Cooper
21 engaging in conduct that you found
22 questionable?
23 A Yes.
24 Q Why didn't you go to someone else if you
25 already had concerns about Mr. Cooper?

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1 Brooks - Confidential
2 A Yes.
3 Q Who are those people?
4 A Mr. Porter.
5 Q Mr. Porter told you that?
6 A Dash Porter.
7 Q Okay. What did he tell you?
8 A That Cooper is -- if I wanted to go to a
9 specific route, I need to speak to Mr. Cooper
10 about that.
11 Q Why did you want to be on the Hudson
12 Route?
13 A It was summertime. It was on Chelsea
14 Piers. The environment was nice, by the water.
15 Q What do you mean by bottle of water?
16 A I said by the water.
17 Q Oh, I apologize, by the water.
18 If you go to the next page. If you look
19 at 28, Page 5, Complaint 28.
20 And then it says "In front of other
21 employees, Defendant Cooper responded, 'Oooh,
22 yeah, I like to be pulled up, chained up and
23 whipped'.
24 That's what you were referring to a moment
25 ago?

40 (Pages 154 to 157)

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1 Brooks - Confidential
2 A Yes.
3 Q You said "Cooper with the rest of the
4 staff laughed."
5 Who was there that laughed?
6 A The people that were in the room.
7 Q Who was in the room?
8 A I told you I don't know them. I don't
9 know them.
10 Q You don't remember the names of anyone in
11 the room?
12 A No.
13 Q Are they RWA program participants?
14 A Yup.
15 Q Were there any employees of The Doe
16 Fund --
17 A Everybody.
18 Q -- I'm sorry, other than Mr. Cooper?
19 A Everybody worked for The Doe Fund.
20 Everybody was either on the work crew or they
21 were supervisors?
22 Q So you -- at The Doe Fund there was a
23 distinction between people who are part of the
24 Ready, Willing & Able program and people who
25 were in the administrative staff of The Doe

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1 Brooks - Confidential
2 Fund?
3 A Say that again.
4 Q Strike that.
5 So the people who were part of the Ready,
6 Willing & Able program, they, as part of the
7 Workforce Development phase, they were assigned
8 to the work crews, correct -- road crews,
9 correct?
10 A We had street -- street cleanings, which
11 was us, and we had supervisors.
12 We wore the blue shirts and the
13 supervisors wore the red shirts.
14 You got different shirts for different
15 people. Like, Terry wore a white shirt. And
16 he was like a upward supervisor.
17 Q Mr. Cooper ever go out with you on the
18 routes?
19 A Never.
20 Q Was he your supervisor on the routes?
21 A He was a supervisor for dispatch.
22 Q Was he a supervisor on the route?
23 A He was the supervisor for dispatch.
24 Q That's not my question.
25 I'm asking was he a supervisor on the

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1 Brooks - Confidential
2 route?
3 A Not that I know of.
4 Q Did he ever accompany you on the route?
5 A No, he did not.
6 Q Did you have a supervisor on the route?
7 A Several.
8 Q Okay. And on the Hudson route, who was
9 it?
10 A It was several different supervisors.
11 Q Who were they?
12 A I forget his name, Julio something.
13 Q Any other supervisors?
14 A That's the name that I remember. It was
15 supervisors. He was the one that drove us
16 there.
17 But we had different people driving us
18 there, depending on the day -- excuse me, and
19 depending who was there.
20 Q Those were the people in the red shirts?
21 A Yeah.
22 Q Okay. And when you were at a work -- when
23 you were at a road site, what did the people in
24 the red shirts do?
25 A They made rounds, made sure we were

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1 Brooks - Confidential
2 working.
3 Q And what were you and the other people in
4 the blue shirts doing?
5 A We were doing street maintenance.
6 Q Okay. If you look back at the complaint,
7 and you look at Paragraph 31,
8 traditionally -- strike that.
9 So let's go back to July 6th and the
10 comment that you heard Mr. Cooper make.
11 Did you report it to anyone?
12 A What comment?
13 Q The comment, oooh, yeah, I like to be
14 pulled up, chained up and whipped.
15 A No, I did not.
16 Q Why not?
17 A Because I didn't want no problems. I just
18 ignored that. I ignored it.
19 Q Okay. You look at Paragraph 31.
20 It says "On or around July 8th, again,
21 plaintiff contacted Cooper to obtain
22 information on the Hudson route."
23 So you initiated contact with Cooper on
24 the 8th?
25 Do you understand the question,

41 (Pages 158 to 161)

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1 Brooks - Confidential
 2 Mr. Brooks?
 3 A I remember speaking to him, but I don't
 4 remember what the date was.
 5 Q And he wasn't your supervisor at that
 6 point?
 7 A What do you mean?
 8 Q Mr. Cooper wasn't your supervisor?
 9 A He was the route supervisor.
 10 Q But not your supervisor?
 11 A Not my supervisor. He was the supervisor
 12 that I was told that I need to speak to in
 13 order to get a specific route.
 14 So he was the one that I had to talk to
 15 about being placed on a route.
 16 Q He was someone -- but he didn't supervise
 17 you on that route?
 18 A While working on the route?
 19 Q Right.
 20 A No.
 21 Q And he didn't supervise you while you were
 22 doing your in-house work?
 23 A No.
 24 Q He didn't supervise you in connection with
 25 any other parts of your participation in the

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1 Brooks - Confidential
 2 Ready, Willing & Able program?
 3 A He was in control of the pay.
 4 Q What do you mean?
 5 A The schedule.
 6 Q What do you mean "he was in control of the
 7 pay"?
 8 A He was in control of the pay.
 9 Q Did he set your -- did he set a rate of
 10 pay -- the rate of your stipend?
 11 A Did he set the rate?
 12 Q I'm sorry, what was your answer?
 13 A I don't know what you mean by, "did he set
 14 the rate."
 15 Q You said he controlled the pay?
 16 A He controlled our schedules, our time
 17 schedules and how much we're supposed to get
 18 pay. I believe we're supposed to sign our
 19 hours.
 20 Q Isn't it true that his title wasn't even
 21 supervisor?
 22 A No, he was a supervisor.
 23 Q That wasn't his title?
 24 A Yes, it was.
 25 Q Do you know what his title --

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1 Brooks - Confidential
 2 A He was the supervisor of dispatch.
 3 Q Did anyone ever --
 4 MR. SEIDENFELD: Can we go off for one
 5 second?
 6 (Recess taken.)
 7 BY MR. SEIDENFELD:
 8 Q When you spoke with Mr. Cooper on
 9 July 8th, did he do anything inappropriate
 10 then?
 11 A I don't remember the date, but . . .
 12 Q Let me --
 13 A I do remember approaching him on a
 14 staircase. We were going down the stairs and I
 15 asked him about the route, and he told me, I
 16 got you and then walked away.
 17 Q So nothing inappropriate in that
 18 interaction, right?
 19 A No.
 20 Q Okay.
 21 (Deposition Exhibit 4, Document Entitled
 22 "Community Improvement Project, Field
 23 Schedule", marked for identification as of this
 24 date.)
 25 Q Mr. Brooks, I'm going to hand you what's

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1 Brooks - Confidential
 2 been marked as Plaintiff's Exhibit 4, which is
 3 Bates-stamped TDF000142.
 4 This is the schedule that you received as
 5 part of the Workforce Development program for
 6 the week starting Sunday, July 17, 2016,
 7 correct?
 8 A Yes.
 9 Q This shows you were assigned to the Hudson
 10 route?
 11 A Yes.
 12 Q It shows that on Sunday the 17th, Monday
 13 the 18th, Tuesday the 19th and Wednesday the
 14 20th, you were assigned to work from 3:00 to
 15 11:30 p.m., correct?
 16 A Yes.
 17 Q Do you know who gave this schedule to you?
 18 A Do I recall who handed it to me, no.
 19 Q And this was what you had requested, to be
 20 assigned to the Hudson route?
 21 A Yes.
 22 Q If you look at Paragraph 35 of your
 23 complaint, it says that you immediately
 24 contacted Mr. Porter to inform him about a
 25 discrepancy.

42 (Pages 162 to 165)

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1 Brooks - Confidential
 2 And that was referring to a discrepancy in
 3 the schedule?
 4 A Yes.
 5 Q What did you tell Mr. Porter?
 6 A Well, at the time, this wasn't conducive
 7 to me spending time with my child -- getting my
 8 kids and my -- the drug program that I was in.
 9 Q Mr. Porter said that he would look into it
 10 and try to fix it for you?
 11 A Yeah. He said he would speak to Terry
 12 about it.
 13 Q And did you work -- strike that.
 14 Did you participate in the Workforce
 15 Development program on the days of this
 16 schedule, on the 17th, 18th, 19th and 23rd?
 17 A Yeah.
 18 Mr. Porter said I had to go to work
 19 because that's what the schedule was for. And
 20 that once he fixed it, then I wouldn't have to
 21 work on those days. But I was required to do
 22 this, their schedule.
 23 Q Isn't it true that after July 23rd, that
 24 while you were on the -- strike that.
 25 Isn't it true that after July 23rd, that

1 Brooks - Confidential
 2 while you were in the Workforce Development
 3 phase of the RWA program, that you never had a
 4 weekend assignment again?
 5 A I don't recall the dates, but I do know,
 6 eventually, that got worked out to give me my
 7 weekends so I could spend with my family.
 8 (Deposition Exhibit 5, Document Entitled
 9 "Work - Gregory Brooks - Client Tracking
 10 Database," marked for identification as of this
 11 date.)
 12 Q Mr. Brooks, I'm going to hand you what's
 13 been marked as Plaintiff's Exhibit 5, which is
 14 document bearing Bates No. TDF00026.
 15 This is a copy of your schedule for the
 16 period of time when you were in the RWA
 17 assigned to the Workforce Development part of
 18 the program, correct?
 19 Let us know when you're ready to answer
 20 the question.
 21 Are you ready to go back?
 22 A It looks like it could be, correct. I
 23 would have to go through it again. But it
 24 looked like I worked in all these different
 25 places, yeah.

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1 Brooks - Confidential
 2 Q Okay. I want to direct your attention to
 3 the left side.
 4 Do you see No. 7, and you see next to that
 5 it says "7/23/16"?
 6 Yes?
 7 A I see it.
 8 Q Okay. And see at the top of that column
 9 it says "Week ending date"?
 10 A Yes, I see that.
 11 Q And I want you to look at the last row in
 12 the column that's 7. And you see it says "CIP
 13 HRPT, Median Crew, 7.5."
 14 Do you see that?
 15 Do you see that, where I'm referring to?
 16 A Yes.
 17 Q And that's a Saturday, correct?
 18 You can see that if you look up the top --
 19 if you look up at the top of that column.
 20 So you see that's a Saturday?
 21 A You're talking about the very last one?
 22 Q Where it says -- the last column on
 23 Row 7 --
 24 A Seven.
 25 Q -- where it says "HRPT, Median Crew, 7.5."

1 Brooks - Confidential
 2 A Yeah, it's a Saturday.
 3 Q Okay. And you were doing your activities
 4 as part of the Workforce Development program
 5 that day, correct?
 6 That's what's reported here, correct?
 7 A I guess. I'm not sure. I told you I
 8 don't remember the dates. But.
 9 Q You don't have any reason to believe this
 10 wouldn't be accurate, right?
 11 A Yeah, I don't have no . . .
 12 Q Now, I want you to look at the rest of the
 13 rows going from six to one at the top. I want
 14 you to tell me -- strike that.
 15 I want you to look at the rows, six
 16 through one.
 17 And my question is: Isn't it correct that
 18 after this date that we've discussed, the last
 19 column in Row 7, that you never had another
 20 weekend assignment?
 21 A What I could remember is -- I believe I
 22 had to do like two or three weeks of this, this
 23 assignment.
 24 Q When you say "this assignment," what do
 25 you mean?

43 (Pages 166 to 169)

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1 Brooks - Confidential
 2 A The Hudson route.
 3 I was on the Hudson route -- that was the
 4 Hudson route, period. There wasn't any
 5 alternate schedule for the Hudson route. They
 6 had a different crew from a different building,
 7 facility, that worked in the nighttime. This
 8 was the nighttime route, and it was just for
 9 our crew.
 10 And I worked this route for about three
 11 weeks, maybe.
 12 Q I want you to look at Line 6.
 13 Do you see that above, right above seven?
 14 A Yeah.
 15 Q Does anything on Row 6 show that you
 16 worked the Hudson route the week ending
 17 7/30/2016?
 18 A It says "OFF."
 19 Q It says "OFF," then it says "SPE," then it
 20 says Myrtle Avenue BID. Vernon LIC, SPE, SPE,"
 21 and then it says "OFF."
 22 I'm just reading across Row 6.
 23 Is that what it says there?
 24 A Yeah, that's what it says.
 25 Q And it shows you were off on Sunday and

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1 Brooks - Confidential
 2 off on Saturday, correct?
 3 A Yeah. I'm not sure if that's accurate,
 4 though.
 5 Q Why wouldn't it be accurate?
 6 A I'm not sure if it's accurate because I do
 7 remember working the Hudson route for a couple
 8 of weeks. They -- I had made problems trying
 9 to get it changed. I had to speak to several
 10 different people. I had to argue with Wiggins
 11 about it. I had to speak to Tim about it. I
 12 had to speak to Ronald. I had to speak to a
 13 lot of people about getting the route changed.
 14 Eventually it got changed, and Mr. Washington
 15 helped with that, but that was after the
 16 situation with Terry.
 17 Q Okay. So after -- let me ask you a
 18 question: After the situation with Terry or
 19 with Mr. Cooper, did you work the Hudson route
 20 any more after that?
 21 A Not that I remember.
 22 Q You have any documents that would show us
 23 when you were assigned to the various routes?
 24 A Any documents that I do have I turned it
 25 over to my attorney.

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1 Brooks - Confidential
 2 Q All right.
 3 A And I'm quite sure she give you guys a
 4 copy.
 5 Q So nothing else in your possession,
 6 correct?
 7 Nothing else in your possession, correct?
 8 A What do you mean "nothing else my in
 9 possession"?
 10 Q Other documents that who show the
 11 schedule.
 12 A When I got a change of schedule, if I
 13 still had the documents, I provided it to my
 14 attorney, which I'm quite sure she provided to
 15 you.
 16 Q Okay. I just want you to take a look at
 17 this Exhibit 5 again. I want you to look,
 18 starting on Row 6. And I want you to look at
 19 Sunday and I want you to look at Saturday going
 20 up, both columns.
 21 Do you understand where I'm asking you to
 22 look?
 23 A Yeah.
 24 Q Okay. Do any of those show, from
 25 Row 6 To Row 1, for either Saturday or Sunday,

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1 Brooks - Confidential
 2 does it show you worked the Hudson route any of
 3 those days?
 4 A Like I said, I'm not sure if this is
 5 accurate.
 6 Q That wasn't my question.
 7 I'm asking you if it shows you worked any
 8 of the dates, of the Saturdays or Sundays, from
 9 Row 6 to Row 1?
 10 A Yeah.
 11 Q Which one?
 12 A On this document it says Saturday. I
 13 think it got two hours.
 14 Excuse me, I got to use the bathroom. I
 15 have to use the bathroom.
 16 (Recess taken.)
 17 BY MR. SEIDENFELD:
 18 Q Mr. Brooks just directing your attention
 19 back to Exhibit 5.
 20 You were referring to the Saturday box in
 21 Row 3. You said it says two hours.
 22 Do you see that?
 23 A Yeah.
 24 Q It says "CUS" next to that.
 25 Do you see that?

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1 Brooks - Confidential
2 A Yeah.
3 Q That's as far as -- it's your
4 understanding that's referring to custodian
5 duty?
6 A I don't know what those abbreviations
7 stand for. I don't know what's this
8 abbreviation.
9 Q If you look at Row 7 you see "HRPT Median
10 Crew."
11 Do you see where it says that?
12 A Yes, I see that.
13 Q Do you understand that to mean the
14 Hudson -- do you understand that to mean the
15 Hudson River route?
16 A Well, no.
17 Now that you're telling me that's what it
18 is, yeah.
19 Q You see where it says "Vernon LIC" on
20 Row 5?
21 A Yeah.
22 Q And that's the Vernon route?
23 Is that the Vernon route?
24 A You're asking me that?
25 Q Is that referring to the Vernon route?

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1 Brooks - Confidential
2 Paragraph 40 of the complaint. You see where
3 it says "By way of example, one of the workers
4 told Defendant Cooper, 'Get your ass out of
5 here, Terry, you're holding us up.' Defendant
6 Cooper replied 'Everything you say has to do
7 with my ass. I know you want some. You just
8 can't stop thinking about my ass'.
9 And that was on July 17, 2016?
10 A I don't remember what date it was. I
11 remember it was a day we were going to a route.
12 We were going to the route. It was the Hudson
13 route.
14 Q You remember if it was the first -- you
15 remember it was the first --
16 A I believe it was my first time going out.
17 Q And that would have been July 17th, based
18 on what we looked at?
19 A Yeah.
20 Q Okay. Where did Mr. Cooper actually --
21 where did Mr. Cooper allegedly say this?
22 A He said it inside the van. We were all
23 loaded up in the van.
24 Q Was he in the van?
25 A No, he was standing outside of the van.

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1 Brooks - Confidential
2 A I guess it is.
3 Q There was a time when you were assigned to
4 the Vernon route?
5 A Yes, I did work at -- on Vernon before,
6 yes.
7 Q Okay. And if you see CM -- if you look
8 next to that it says "Maspeth."
9 Is that also a route that you were
10 assigned to?
11 A I believe -- that sounds familiar. So it
12 could be possible that I worked there a couple
13 of times.
14 Q And then if we just go back to that "CUS"
15 at the end of Row 3, does that -- is there any
16 route that you recall being assigned to that
17 could have had the abbreviation CUS; do you
18 remember?
19 A No.
20 Q Okay. No route that you recall had that
21 abbreviation?
22 A I don't remember having no abbreviations
23 at all. You're telling me this now. But I
24 don't recognize CUS at all for nothing.
25 Q I want to turn your attention to

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1 Brooks - Confidential
2 Q Who said, "Get your ass out of here,
3 Terry, you're holding us up"?
4 A I don't know. They were in the back.
5 Q Someone in the van?
6 A Yeah. I was in the front of the van.
7 Q Okay. Do you remember anyone else who was
8 either in the van or outside the van?
9 A Yeah.
10 Q Who?
11 Who was in the van?
12 A I know Anthony Marshall was in the van.
13 Q Who is Anthony Marshall?
14 A He was on the work crew with me as well.
15 Q He was RWA program participant?
16 A He worked the Hudson River Park.
17 Q Who else?
18 A I don't know. I don't know the rest of
19 the guys like that.
20 Q Other people in the program?
21 A Other people in the van that was working
22 the route.
23 Q And the program?
24 Yes?
25 A The supervisor was there, too. I don't

45 (Pages 174 to 177)

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1 Brooks - Confidential
 2 remember his name. But it's Julio something.
 3 Q He was one of the people in the red
 4 shirts?
 5 A Yeah.
 6 Q Did Julio hear the comment?
 7 A I assume he did. Everybody else did.
 8 Q You don't know if Julio heard it or not?
 9 A I don't know if he could even recall it,
 10 but . . .
 11 Q When you first got to Gates Avenue, did
 12 you have a roommate?
 13 A Yes, I did.
 14 Q Who was your roommate?
 15 A Turk.
 16 Q Do you know Turk's last name?
 17 A I believe his name was Mohammad.
 18 Q So Turk Mohammad?
 19 A I don't know if that's his real first
 20 name. That's what people called him.
 21 Q Okay. Any other roommates?
 22 A Yeah. Later on down the line.
 23 Q About how long were you roommates with
 24 Turk?
 25 A For quite a while. For the majority of my

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1 Brooks - Confidential
 2 A I know one of them name was Green. His
 3 last name was Green.
 4 Matter of fact -- yeah, it was two other
 5 dudes. It was me and two other dudes.
 6 Q You can't remember the other guy's name?
 7 A I don't remember them. And they changed
 8 them anyway. It was a couple of dudes that
 9 came and slept in that bed.
 10 Q So it was you Green and someone else and
 11 then you, Green and a different person, and you
 12 can't remember either of those two people?
 13 A Green wasn't always there either. Green
 14 came --
 15 Q Can you tell me the names of any of the
 16 roommates you could remember?
 17 A No, I don't remember them.
 18 Q No one else?
 19 A No.
 20 Q You in contact with Turk at all?
 21 A No.
 22 Q When was the last time you spoke with him?
 23 A Months ago.
 24 Q Okay. What about Mr. Green?
 25 A No.

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1 Brooks - Confidential
 2 stay there.
 3 Q Who else were your roommates -- strike
 4 that.
 5 Was it just you and always one other
 6 person to a room?
 7 A No.
 8 Q It was, what, three in a room?
 9 A Yes.
 10 Q When it was you and Turk, was there a
 11 third person?
 12 A No. Just me and Turk.
 13 Q Okay. And so -- okay. I maybe just
 14 misunderstood.
 15 Were there times when you had two other
 16 roommates?
 17 A Yeah.
 18 Q Okay. And was any of that -- so it was
 19 never you Turk and someone else?
 20 A No.
 21 Q Okay.
 22 A They moved me downstairs. I was no longer
 23 in the room with Turk. They moved me with two
 24 other dudes.
 25 Q Do you know their names?

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1 Brooks - Confidential
 2 Q You haven't spoken to him in months?
 3 A Months.
 4 Q Any other roommates you've been in contact
 5 with since you left Gates Avenue?
 6 A No.
 7 Q Just making sure. Not a trick question.
 8 I'm just trying to make sure we close off all
 9 the loops.
 10 Okay. I asked you some questions now
 11 about your allegations against Mr. Cooper that
 12 took place on July 21, 2016. Just take a look
 13 at Exhibit 4.
 14 Do you have that in front of you?
 15 Like this?
 16 Maybe you don't need it.
 17 My question is: Do you know if you were
 18 off that day?
 19 A Off what day?
 20 Q The day of July 21st.
 21 A On the day of the assault?
 22 Q That you made the allegations against
 23 Mr. Cooper, were you off that day?
 24 A That day was going uptown to see my
 25 family.

46 (Pages 178 to 181)

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1 Brooks - Confidential
 2 Q So you -- it was an off day?
 3 A Yeah, I wasn't working.
 4 Q Okay. I got to go -- one second, I
 5 apologize Mr. Brooks. I want to go back to the
 6 comments that you allege Mr. Cooper made on the
 7 17th saying, "Everything you have to say has to
 8 do with my ass."
 9 Did you report those comments to anyone?
 10 A Did not.
 11 Q Why not?
 12 A I didn't want no problems. He wasn't
 13 speaking to me directly.
 14 Q You didn't feel that it concerned you?
 15 A Did it concern me?
 16 Q It didn't -- you didn't feel that it
 17 related to you, the comments?
 18 A No, that's not what I said.
 19 He wasn't speaking directly to me. I
 20 mean, I didn't like the comments. I would have
 21 preferred not to be around that. But it wasn't
 22 personal with me. I didn't feel like it was
 23 professional for him to be doing that at work.
 24 But he wasn't speaking directly to me, he was
 25 talking to somebody else in the van and I just

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1 Brooks - Confidential
 2 overheard it because he was right in front of
 3 me. He was right outside the van. I was
 4 sitting next to the van door. So he was
 5 talking that right there right before me,
 6 so . . .
 7 Q Okay. You say that Mr. Cooper asked you
 8 to come to his office at about 9:00 a.m. on the
 9 morning of July 21st while you were outside
 10 having a smoke break.
 11 Does that sound correct?
 12 A Yeah, in the morning I was outside
 13 smoking, he came and asked --
 14 Q We'll get to that in a second.
 15 What were you doing that morning?
 16 A I was smoking.
 17 Q But before that, what time did you wake
 18 up, do you remember?
 19 A No, I don't remember the time I woke up.
 20 Q What were you doing before you were
 21 outside smoking?
 22 A I was in my room.
 23 Q Okay. Did you eat breakfast?
 24 A No.
 25 Q Okay. So you went outside and you were

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1 Brooks - Confidential
 2 outside smoking?
 3 A Yep.
 4 I woke up. Went downstairs. Went to
 5 smoke. And then I was going back upstairs to
 6 wash up and get ready to go out.
 7 Q Okay. And were you with anyone while you
 8 were outside smoking?
 9 A I wasn't with nobody at no time. But
 10 there were other people there.
 11 Q All right. Who was there?
 12 A I remember Mr. Stevens being there, the
 13 house manager. I remember Paul Washington
 14 being there. And it was a bunch of other
 15 people running around. That's where people
 16 smoke, in front of the building.
 17 Q Who is Paul Washington?
 18 A He work for PAL.
 19 Q And how did you get to know
 20 Paul Washington?
 21 A Because when I was doing in-house, I was
 22 doing PAL.
 23 Q What's PAL?
 24 A Police Athletic League.
 25 Q Did you know Mr. Washington before you

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1 Brooks - Confidential
 2 arrived at Gates Avenue?
 3 A Who, Paul?
 4 Q Paul Washington, excuse me, yes.
 5 A No.
 6 Q When's the last time you spoke to
 7 Paul Washington?
 8 A I can't recall.
 9 Q Was it this year?
 10 A No.
 11 Q You say Mr. Cooper called you into his
 12 office, correct?
 13 A While I was smoking he asked me how was
 14 the Hudson route, did I like it. I said it was
 15 good, it's just not conducive with my schedule.
 16 He said but you liked it, right. I was like,
 17 yeah, it was all right. He said when you
 18 finish smoking, come into my office. I said
 19 all right.
 20 Q Can I ask you, you said Mr. Stevens was
 21 outside.
 22 Who is Mr. Stevens?
 23 A The house manager.
 24 Q Do you know his first name?
 25 A James, I think. I'm not sure.

47 (Pages 182 to 185)

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Brooks - Confidential

Q It's okay.

So you were saying that Mr. Cooper asked you to come into the office, correct?

A Yeah.

Q And had you been in Mr. Cooper's office before?

A Yes, I think I been in that office. It wasn't only his office. It was -- it's an office in an office.

It's -- you walk through the door, it's an office. And then it's another office in the back. I been -- I think that's Ronald Holly's office.

And I had to go in there before for other reasons. I don't recall what at this time.

Q About how big would you say his office where Mr. Cooper asked you to come see him in?

A I would say about from that portion of the door to around here, about that big.

MS. O'CONNELL: Let the record reflect that plaintiff --

MR. SEIDENFELD: Well, I'll ask him. I'll ask him if he has -- I'll ask a different.

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Brooks - Confidential

BY MR. SEIDENFELD:

Q In terms of feet -- I know that's how you would do it normally. But it's kind of -- the court reporter can't take that down.

Size of the room, do you have a sense about how long or how wide?

A No. Maybe -- I don't know. I don't know. I'm not a . . .

Q It's okay.

What was in the room?

What's in the office?

A Chair, a desk. A desk, another chair, and some other things I can't really remember what they are. But it's a couple of chairs and a couple of desks.

Q And when Mr. Cooper called you in, was there anyone else in the office?

A No.

Q Okay. Where was -- did you guys walk to the office at the same time?

A No, we did not.

Q He was already in there?

A Yeah.

Q When you got in the office, where he was

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Brooks - Confidential

he sitting?

A At his desk.

Q Where were you when you were -- first walked in?

A When I walked in I was standing at the door.

Q Was the door open or closed?

A It's two doors. One door is to get into where the office is at, then there's another door to where his -- his portion of the office is. And I was standing in that door, that's the second door.

Q Okay. Was it open or closed?

A It was open.

Q What about the first door?

A I believe it closes. I don't know if it slam closes or if I closed it myself. But -- yeah.

Q So you're not sure?

A No, I'm not sure.

Q Was anyone in the outer office in between the first and second door?

A Oh, Mr. Holly's office, no. That door was closed.

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Brooks - Confidential

Q Okay.

A Well, I'm going to say I don't know because the door was closed. I'm assuming. It was early in the morning.

Q Which door was closed?

A Mr. Holly's door.

Q That's the outer door?

A No, that's not the outer door.

You don't have any pictures of the facility?

Q I want to get your best recollection first.

A It's the outer door, then on the left-hand side it's Mr. Holly's door. That door was closed. Then you keep walking, that's where the dispatch door was, and that was open.

Q That door was open, okay.

A Yes.

Q So my question is: In between what you call the "Holly door" and the "dispatch door," was anyone there?

A No, not that I know of.

Q And Mr. Cooper started -- what did Mr. Cooper say to you, initially?

48 (Pages 186 to 189)

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1 Brooks - Confidential
 2 A Initially he said, Come in, because I was
 3 standing at the door. He said come in.
 4 Q The door was still open, correct?
 5 A Yeah.
 6 He said something about coming over to the
 7 desk and he don't bite, some shit like that. I
 8 don't really remember what he said. But I
 9 remember him telling me to come to the desk.
 10 Q And did you go to the desk?
 11 A I did.
 12 Q Were you -- the chairs were they on the
 13 other side of his desk?
 14 A What do you mean?
 15 Q He had a chair -- he was sitting behind
 16 his desk, you said?
 17 A Yeah.
 18 He was sitting at the desk, yes.
 19 Q And he told you to come in and sit, right?
 20 A No. He just said come here. Come to the
 21 desk.
 22 Q So did you stand next to him while he was
 23 sitting?
 24 A Yeah.
 25 Q And then what did he say?

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1 Brooks - Confidential
 2 you when he was flinging his hands?
 3 A He touched my penis. I thought it was a
 4 mistake.
 5 Q You say he touched it.
 6 What do you mean?
 7 A He touched it. He was going like this
 8 while he was talking with his hands and he end
 9 up touching my penis. And I thought it was a
 10 mistake. I should have known better. I backed
 11 up so he could finish talking.
 12 Q When you say he touched it as he was
 13 flinging his hands, did he grabbed it?
 14 A Not at that point, no.
 15 Q Did he -- what part of his hand did he
 16 touch it with?
 17 A It was his left hand.
 18 Q It was the front of his hand, back of his
 19 hand?
 20 A I don't know. He was going like this. So
 21 I don't know if -- it was possibly his fingers
 22 or something.
 23 Q How long was there contact, this initial
 24 time?
 25 A It was immediately.

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1 Brooks - Confidential
 2 A He was talking about the route.
 3 Q The Hudson route, correct?
 4 A He was talking about whether or not he
 5 could give me both my weekend days off.
 6 Q What -- do you remember what else he said?
 7 Did you say something in response?
 8 A Not really, because at this point --
 9 because he was flinging his hands and he end up
 10 touching me.
 11 Q You say he was flinging his hands.
 12 What do you -- strike that.
 13 So if he was -- was he speaking as he was
 14 flinging his hands?
 15 A Yeah, he was speaking with his hands.
 16 Q Well, no, no. You said -- I want to know
 17 what he was saying while he was flinging his
 18 hands.
 19 A He was talking about the route. He was
 20 telling me he don't know if he could give me
 21 both days, whatever.
 22 Q Was he flinging his hands -- did he touch
 23 you at that point?
 24 A Yeah.
 25 Q What, if anything -- where did he touch

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1 Brooks - Confidential
 2 Q A second?
 3 A Yeah.
 4 Q And what were you wear?
 5 A I don't remember.
 6 Q When this flinging happened, what if --
 7 you said you moved away?
 8 A Yeah, I backed up.
 9 Q Did you say anything to him?
 10 A No.
 11 Q Did he say anything to you next?
 12 A Yeah, he was still talking.
 13 Q What was he talking about?
 14 A Same thing, about my schedule.
 15 Q What was he saying about your schedule?
 16 A He was saying that he don't know if he
 17 could give me both days. He's going to try to
 18 do what he could do, whatever.
 19 Q I'm sorry, are you done with your answer,
 20 Mr. Brooks?
 21 A Yeah.
 22 Q Okay. And was he touching you at all
 23 while he was saying that?
 24 A Eventually, he grabbed my -- he grabbed my
 25 waist, the front of my pants, and he said

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excuse me, I talk with my hands. And then he grabbed my penis with his hand.

Q Did he stick his -- was he saying anything while he did that, other than -- did he say that -- strike that.

Did he say that before or after he said I talk with my hands?

A I was doing it while he was saying it.

Q So he stuck -- you said he stuck his hand in the waist of your pants?

A Yeah.

Q Were you wearing underwear?

A Yeah.

Q Did he stick his hands under the underwear?

A No.

Q So it was between your pants and underwear?

A Mm-hmm.

Q I'm sorry, you have to say "yes" or "no."

A Yes.

Q And what did he do?

A He grabbed my penis.

Q When you say "grabbed," do you mean --

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when you say "grabbed" what exactly did he do?

A I mean like caressing it, like how a woman would do it.

Q Okay. And for how long?

A I don't know. It was a second. I was shocked. I know it wasn't that long, but I don't know.

Q Did you say anything?

A No.

Q And so he did that for a second and then he took his hand out?

A No, he didn't have his hand inside my pants. When he said he talk with my hand, he grabbed my pants like this. He said I talk with my hands. And then he took his hand out and grabbed my penis.

Q When he said he spoke with his hands, his hands were on the outside of your pants?

A Yeah.

MS. O'CONNELL: Can we have the record reflect --

MR. SEIDENFELD: You want to go off for a second. You can just explain to him. We'll go off the record for a second.

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(Discussion off the record.)
BY MR. SEIDENFELD:
Q So Mr. Brooks, you're sitting here and you're kind of making -- I see you're doing things with his hands, trying to show what happened. But the court reporter can't take that down.

So the best you can, we need you to describe, verbally, what happened.

MS. O'CONNELL: For instance, if he grabbed or -- do you want to go off the record for a second.

MR. SEIDENFELD: I don't know if you're going to give him -- should be giving him an example.

A He grabbed the waistband of my pants. I don't remember which hand it was, but I know he grabbed the waistband of my pants and he told me he speak with his hands.

He grabbed the top of my pants. So he was -- his hand was inside my pants, right. His fingers was inside the top of the waistband of my pants. And his palm was on the outside of my pants.

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Is that clear?

Q Yes.

A Then he took his hand out and grabbed my penis on my pants. He wasn't inside. He was on my pants when he grabbed my penis.

Is that clear?

Q Yes. I know this is -- I apologize in advance. But we just need to make sure we understand what happened to you regarding --

A All right. Do you understand?

Q Yes, that's very -- so it was over the pants.

And then what -- then did you say anything in response?

A No. I was shocked. I couldn't believe it. I was in shock.

Q Okay. And then what happened next?

A I exited the room. I told him I had to go and get ready for a shower. I had to go see my son and got up out of there.

Q Did he say anything to you before he left?

A When I reached the door he said he's coming up in a minute.

Q What did you do after you left the office?

50 (Pages 194 to 197)

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1 Brooks - Confidential
2 A I ran upstairs and put my tape recorder
3 on.
4 Q Why didn't you go and report this to
5 anyone?
6 A I wasn't thinking clearly at all at that
7 point. I was shocked. I didn't know what
8 to -- I didn't know what to do.
9 But I knew that he told me he was coming
10 upstairs. So I wanted to get him on record.
11 He's a supervisor. I was afraid people wasn't
12 going to believe me if I told them that he had
13 just touched me.
14 Q You weren't taping during this first
15 meeting in Mr. Cooper's office, were you?
16 A I was not.
17 Q Okay. And before July 21st, had you ever
18 taped anyone, any conversations at the Gates
19 Avenue facility?
20 A No, I did not.
21 Q What about video before July 21?
22 A No.
23 Q You said you went back up to your room
24 and, you said you started taping.
25 You said you took out your phone and

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1 Brooks - Confidential
2 Mr. Cooper's actions, did The Doe Fund start an
3 investigation?
4 A Yes.
5 Q During this investigation, did you tell
6 anyone at The Doe Fund you had video of the
7 incident in your room?
8 A Yes, I did.
9 Q Why did you do that?
10 A Because I didn't think people was going to
11 believe me. I wanted them to take me
12 seriously.
13 Q Did they take you seriously?
14 A Yes, they did.
15 Q And as soon as you complained, they took
16 action very quickly, right?
17 MS. O'CONNELL: Objection.
18 A As soon as I complained I got a meeting
19 with HR.
20 Q The morning -- the same morning that The
21 Doe Fund received your complaint?
22 A No, it wasn't the same morning.
23 Q But did you meet with Mr. James Washington
24 the same morning that you -- that he received
25 your complaint?

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1 Brooks - Confidential
2 started taping?
3 A Yes, I did.
4 Q You used -- that was your cell phone?
5 A Yes, it was.
6 Q Did you use any other devices to tape?
7 A No.
8 Q Did you have a camera?
9 A No.
10 Q Did you ever have a 16 mega pixel camera?
11 A Yes, I do. I own one.
12 Q You still own it?
13 A Yep.
14 Q Did you have it with you in your room at
15 that time?
16 A No, I didn't.
17 Q Okay. Did you tell Mr. Cooper you were
18 taping him when he came in?
19 A No.
20 Q So I just want to make sure.
21 Do have any video of any interactions with
22 you and Mr. Cooper from July 21, 2016?
23 A No.
24 Q Okay. At some point subsequently -- at
25 some point after you told The Doe Fund about

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1 Brooks - Confidential
2 A I made the complaint that night when I
3 came back from my wife's house. I wrote it at
4 my wife's house. I put it in
5 James Washington's desk -- his mailbox. And
6 the next day James Stevens came in and told me
7 that James Washington wanted to see me.
8 Q And you met with James Washington that
9 next morning?
10 A And I met with him, yes.
11 Q And that was a Friday, the next day,
12 correct, that day you met Mr. Washington?
13 A I don't know which day it was.
14 Q I'll just -- if you take a look at
15 Exhibit 4, you can see that it shows that
16 Sunday is the 17th, Monday the 18th, Tuesday
17 the 19th, Wednesday the 20th, Thursday --
18 A This don't exactly tell when that
19 happened. The day that I made that report --
20 Q Well, the day you made --
21 A -- I think it was the 24th.
22 Q The day that you alleged the incident with
23 Mr. Cooper happened was July 21st, correct,
24 2016?
25 A Yeah.

51 (Pages 198 to 201)

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Brooks - Confidential

Q Okay. And do you remember -- I'll tell you it's a Thursday.

Do you have any reason to believe it wasn't?

A No, I don't. No.

Q Then you met with Mr. Washington that next morning on -- Friday morning, correct?

A Yeah. I met with him the next day, yes.

Q And then you met again with Ms. Gilmore and other members -- other employees of The Doe Fund that following Monday as a part of their investigation, correct?

A I met with two people that they said was from HR. And we all was in the office with Mr. Washington.

Q And that was Monday the 25th, July 25?

A I don't remember the dates.

Q Okay.

A I just remember being there.

Q You remember if it was the next weekday?

A No.

Q If you don't remember, that's fine. We can move on.

A Yeah, I said no.

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Brooks - Confidential

Q I want to go back to when Mr. Cooper came into your room.

How long was he there for?

A I don't know, a few minutes.

Q Okay. Tell me the set up of your room at Gates Avenue at the time?

A Yeah. The door -- when you walk in the door, there's two closets, one for me, one for my bunkmate. On the wall and where the closets is, is my bed.

So when you walk in it's like -- it got to be like an L shape. Like, you got to walk straight, then to your right, because the beds were in the middle of the room. It's a very small room.

Q Okay. Mr. Cooper came and knocked on the door?

A He did.

Q And you were already recording on your phone at this time?

A Yes, I was.

Q And what happened when you opened the door?

A When I opened the door he came inside the

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room.

Q Where -- did you close the door?

A No, he closed the door.

Q Okay. And, what, if anything, did -- who spoke first?

A I can't recall. I think he spoke first.

He asked me why was my door locked. I told him I always lock the door. He said why was it locked? Why was it locked? I said it's a slam lock.

Q And then what did you and Mr. Cooper discuss?

A I remember asking him what did he have as far as the schedule was concerned. And he started talking about the schedule, but at the same time he started to touch me.

Q And what was he saying when he started to touch you?

A I could barely remember. He just was saying he don't know if he could give me both weekend days off. That's what we had been discussing. That's what I asked everybody for, from my counselor on up to James Washington, I asked for the weekends off so I could spend the

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time with my family.

So he was telling me he don't know if he could give me both days off, maybe one day. But at the same time he was fondling my penis. But when he came in, he grabbed my phone. That's the first thing that he did. He took my phone off the bed.

Q What did he say?

A He asked me was I on the phone.

Q And what did you saw?

A I said, yeah. It was recording. I was new to these smartphones.

So when I started recording -- I think this was the first time I even ever made a recording, period.

So the recording -- it had a mic on it.

You know what I mean?

And you could see the mic. And so when he picked up my phone and seen it was a mic, I guess he assumed that it was somebody else on the other line. I think. I don't know what he assumed. But that's what he asked me, was I on the phone.

I took my phone out of his hand and put it

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1 Brooks - Confidential
 2 back on the bed, and I told him, yeah, I'm on
 3 the phone.
 4 Q You said he was foundling you. Again I'm
 5 going to ask you what exactly he did.
 6 A He started touching my penis and --
 7 Q Over your -- were you wearing the same
 8 thing you were wearing downstairs?
 9 A Yes, I was wearing the same thing.
 10 Q And did he touch you over your pants or
 11 under your pants?
 12 A Over. He rubbed it for a second and he
 13 pulled it out. He tried stroking it.
 14 Q When you said he pulled it out, he reached
 15 under your underpants?
 16 A Yeah, yeah.
 17 Q And pulled your penis out of your pants?
 18 A Yeah.
 19 MS. O'CONNELL: Let the record reflect
 20 that the plaintiff was making masturbation
 21 motions.
 22 MR. BARTOLOMEO: Objection to the
 23 characterization.
 24 Q If you can characterize what he was doing?
 25 MR. SEIDENFELD: If he's not -- like I

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1 Brooks - Confidential
 2 A For a couple of second because I backed
 3 up.
 4 Q Did you say anything when you backed up?
 5 A No.
 6 Q Did he say anything?
 7 A He was talking the whole while. I
 8 couldn't hear him, but he was saying something.
 9 I pulled my pants up and I remember saying that
 10 I have to go. I got to get ready. I got to
 11 get in the shower, and he exited my room.
 12 Q Do you remember what kind of pants you
 13 were wearing?
 14 A No.
 15 Q They were loose fitting pants?
 16 A I don't remember.
 17 Q Do you remember trying -- why didn't you
 18 push his hand away?
 19 A I pulled back.
 20 Q Okay. And was it such a brief encounter
 21 that you didn't have time to push his hand
 22 back?
 23 A It was long enough. But I didn't touch
 24 him. I just pulled back and pulled up my
 25 pants.

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1 Brooks - Confidential
 2 said, I explained to him before. There's no --
 3 he's testifying, not you.
 4 MS. O'CONNELL: Let the record reflect.
 5 MR. BARTOLOMEO: Note my objection for the
 6 record.
 7 A Well, he was stroking my penis with my
 8 hand.
 9 Q Hold on.
 10 MR. SEIDENFELD: Can you just read back
 11 what Mr. Brooks was saying before Ms. O'Connell
 12 interjected.
 13 (Record read.)
 14 Q So you said he pulled your -- so you said
 15 that he pulled your penis out of your pants and
 16 your underwear?
 17 A Yes.
 18 Q Where were you in your room at this time?
 19 A I was standing in front of my bed.
 20 Q And was Mr. Cooper standing?
 21 A Yes, he was standing right in front of me.
 22 Q Okay. And when he pulled your penis out
 23 of your pants, what did he do?
 24 A He started stroking it.
 25 Q For how long?

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1 Brooks - Confidential
 2 Q You said it was a for a couple of seconds,
 3 I believe.
 4 Is that what you just testified to a
 5 minute ago?
 6 A Yeah. I wasn't timing it. It didn't take
 7 very long, though.
 8 Q A matter of seconds -- actually, strike
 9 that.
 10 Mr. Cooper -- I'm sorry. I apologize.
 11 Mr. Brooks, in the course of this
 12 litigation you produced to us some of the tapes
 13 that you made?
 14 A Is that an insult?
 15 Q I apologize.
 16 A You call me that man three times.
 17 Q I apologize.
 18 MR. SEIDENFELD: We can go off.
 19 MS. O'CONNELL: No, you can stay on the
 20 record.
 21 MR. BARTOLOMEO: Yeah, let's stay on the
 22 record, please. I'd like to hear.
 23 MR. SEIDENFELD: Okay.
 24 A Is that an insult?
 25 Q I didn't mean it as an insult. You know,

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Brooks - Confidential

I just met you today. I never met Mr. Cooper. We just read these names as names on a sheet. So I don't mean anything personal by it. I don't mean it as an insult to you.

And if you are offended by it, I apologize. That wasn't my intention.

A I mean, you kept calling me somebody that assaulted me, that sexually assaulted me. And you keep calling me his name. I don't understand.

Is that a strategy?

Q Certainly not a strategy. We've discussed a lot of names today. And I can just tell you in the course of these depositions, people often transpose names and make a mistake. It's nothing -- certainly nothing personal. And if you're offended by it, I sincerely apologize. And I can assure you it's not a strategy and not intentional. And I'll do my best, as we go forward to make sure it doesn't happen again. That's the best I can do for you, Mr. Brooks.

MS. O'CONNELL: If you want a short break, let me know.

A Come on.

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Plaintiff's Exhibit 6, the file called "Terry" from zero to 3 minutes and 15 seconds.

(Tape Playing.)

BY MR. SEIDENFELD:

Q Mr. Brooks, is that the recording that you made?

A Yes.

Q Why did you let Mr. Cooper enter your room if he had already allegedly touched you when you were downstairs in his office?

A He knocked on the door, I opened the door.

Q How come you didn't tell him to leave or say, Please don't come in?

A He's staff. I can't control what's going on in there. They run that building. I don't run that building.

Q Mr. Cooper worked in the dispatch office.

Did he have any authority having to do with the residential aspect --

A I don't know.

Q -- of the Gates Avenue --

A I don't know what kind of authority he has. I just knew he was a supervisor. He was up there. He came up there.

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Q You all right?

A All right.

Q So Mr. Brooks, during the course of this litigation you've produced to us some of the audio recordings that you had made. I'm going to play one for you now.

This is the recording, and it's file name is "Terry."

(Discussion off the record.)

MS. O'CONNELL: I will say what it is.

MR. SEIDENFELD: So the file produced by plaintiff's counsel called "Terry" is going to be marked as Exhibit 6.

(Deposition Exhibit 6, File Entitled "Terry," marked for identification as of this date.)

Q And the part that I'm going to play is from zero -- from the beginning through three minutes and 15 seconds.

(Tape playing.)

MR. SEIDENFELD: Hold on. Can we go off one second?

THE COURT REPORTER: Sure.

MR. SEIDENFELD: We're going to play

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Q Don't you think you could have said, Hey, I don't want to talk to you now?

A Don't I think I could have said, Hey, I don't want to talk to you now?

Q That's the question.

A I wasn't thinking at all. My mind was on freeze. I was shocked. I didn't know what to think. I didn't know what to say. Nothing that I was thinking or I was saying was what I wanted to do or say.

Q But you were thinking enough to make -- to start recording, right?

A Yes.

Q And that was for the purpose of documenting what would happened when Mr. Cooper came into your room?

A Yeah, I didn't expect him to be so aggressive and just coming in and start grabbing my penis. I thought he would say something -- I didn't even think he was going to pick up the phone and see it. I was kind of nervous that he seen the phone on record.

Q How come you didn't say, Stop?

Or if you were recording how come you

54 (Pages 210 to 213)

Page 214

1 Brooks - Confidential
 2 didn't at least say, what was going on, don't
 3 do this or Hey --
 4 A I didn't -- I didn't --
 5 Q -- stop touching me?
 6 A I didn't know what to think or say. I
 7 was -- I was slightly paralyzed, mentally, at
 8 the moment.
 9 What I was thinking about doing was
 10 striking him. And I was talking myself out of
 11 doing that.
 12 Q And did it occur to you, even though you
 13 knew you were taping to document what was
 14 happening at the time?
 15 A I was documenting. I was recording it.
 16 Q It didn't occur to you to say something on
 17 your recording that would indicate what was
 18 happening?
 19 A No. I thought it was about to turn
 20 violent.
 21 Q Did you say anything that you believe
 22 indicated that you thought the interaction was
 23 about to turn violent?
 24 A I thought if I would have said -- I
 25 thought he knew that I was recording him.

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1 Brooks - Confidential
 2 phones. The phones thing -- the record thing
 3 was all new to me. The smartphones is new to
 4 me. I was just learning about how to deal with
 5 smartphones.
 6 Q What did you do after Mr. Cooper left?
 7 A I got ready to take my shower.
 8 Q Did you go talk to anyone about what
 9 happened before you took your shower?
 10 A No.
 11 Q Why not?
 12 A Because I knew I had to leave. I didn't
 13 know who I was going to talk to anyway. I
 14 didn't know what I was going to do. I never
 15 been in a situation like this before. It never
 16 happened to me. Not in prison. Not in the
 17 streets. I didn't know what to do.
 18 My only recourse was to be violent, and I
 19 knew I couldn't do that because I would have
 20 been back in prison. So I didn't know what to
 21 do.
 22 So after I got in the shower, I went
 23 downstairs and I went to speak to
 24 Mr. Paul Washington. I trusted Paul.
 25 Q We'll get there in a minute.

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1 Brooks - Confidential
 2 Q How do you know?
 3 What made you think that?
 4 A He picked up my phone. And he said that
 5 I -- he said that he thought I was on the
 6 phone. I wasn't. It was recording.
 7 Q When we played that recording, did you
 8 hear him say, Are you on the phone?
 9 A Yeah.
 10 Q When during the conversation?
 11 A In the beginning of the conversation.
 12 Q Was that the entire -- was that recording
 13 the entire time that Mr. Cooper was in your
 14 room?
 15 A Yes, it was.
 16 Q The file that's called "Terry" and is
 17 Exhibit 6, runs for a total of 12 minutes and
 18 44 minutes. The rest of the tape has no audio
 19 on it.
 20 Why did you keep the tape running?
 21 A What?
 22 Q Why did you keep the tape running?
 23 Mr. Cooper already left your room, but the
 24 tape still runs for another nine minutes?
 25 A I told you I didn't know how to work the

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1 Brooks - Confidential
 2 I just want to ask, when you went to go
 3 take a shower, where was your phone?
 4 Did you leave it in your room?
 5 A I don't remember.
 6 Q Did you bring the phone to the bathroom?
 7 A I don't remember.
 8 Q Was there anyone in the shower room when
 9 you got there?
 10 A No.
 11 Q In your complaint you say Mr. Cooper came
 12 into the bathroom while you were in the shower;
 13 is that correct?
 14 A That's correct.
 15 Q What did he do?
 16 A He came and looked in.
 17 Q When you he "looked in," what did he do?
 18 A He looked at me.
 19 Q Where were you?
 20 A I was standing by the mirrors.
 21 Q Were you dressed?
 22 A I think I had pants on or something. I
 23 think I had my shirt off.
 24 Q Was it before or after you showered?
 25 A It was before I showered.

55 (Pages 214 to 217)

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1 Brooks - Confidential
 2 Q Okay. Did he say anything to you?
 3 A No.
 4 Q Did you say anything to him?
 5 A No.
 6 Q How long did he look at you for?
 7 A A few seconds. He looked like he was
 8 nervous. He looked in and then he left.
 9 Q Then you went and you showered?
 10 A Yeah.
 11 Q What did you do next?
 12 A Got dressed, went outside and spoke to
 13 Mr. Washington.
 14 Q Didn't you go and speak to Mr. Cooper
 15 first?
 16 A Nope.
 17 Q Sorry, I just didn't hear you.
 18 A I don't -- I don't -- no, I don't
 19 remember. I think I went to speak to
 20 Mr. Washington first. Then I came back because
 21 he told me to speak to James Washington. And
 22 that's when I went in and tried to record Terry
 23 admitting that he had touched me.
 24 Q Can you take a look at your complaint.
 25 Mr. Brooks, can you take a look at your

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1 Brooks - Confidential
 2 complaint. I want to direct you to
 3 Paragraph 73.
 4 It says "Plaintiff returned to Defendant
 5 Cooper's office after his shower, hoping to
 6 finally get his schedule sorted out, so that he
 7 could have time to be a father to his
 8 children."
 9 Do you see that?
 10 A Yes.
 11 Q Does that refresh your recollection about
 12 whether you went to speak with Mr. Cooper
 13 before you went to speak with
 14 Mr. Paul Washington?
 15 A No. I don't know what sequence that I
 16 went to speak to him.
 17 It was after my shower, yes. But I don't
 18 know if I went to speak to Paul first or if I
 19 went to speak to Terry first. I don't know. I
 20 don't remember.
 21 Q Why did you go and meet with Mr. Cooper
 22 after your shower?
 23 A I wanted to get him on the record saying
 24 something about what he did.
 25 Q You recorded -- so you recorded that

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1 Brooks - Confidential
 2 meeting?
 3 A I did.
 4 Q Was there anyone in the room with you and
 5 Mr. Cooper when you went down to his office?
 6 A No.
 7 MR. SEIDENFELD: For Plaintiff's 7, we're
 8 going to play the file called "Terry 2." And
 9 we're going to play it from the two minute and
 10 50 second mark to the six minute and 30 second
 11 mark.
 12 (Deposition Exhibit 7, File Entitled
 13 "Terry 2," marked for identification as of this
 14 date.)
 15 MR. BARTOLOMEO: Before we do that, can I
 16 just borrow you for two seconds outside, both
 17 of you?
 18 MR. SEIDENFELD: Sure.
 19 (Recess taken.)
 20 Q Mr. Brooks, you said you wanted to correct
 21 something about your prior testimony?
 22 A The last question that you asked me, was
 23 there somebody in the room with us, and I said
 24 no. Somebody came later on. Nobody was in the
 25 room in the beginning when I was talking to

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1 Brooks - Confidential
 2 him. But somebody came, opened the door and
 3 yelled for Terry.
 4 Q And this was the meeting on July 21, 2016,
 5 when you went back to Terry's office after you
 6 had taken a shower?
 7 A Yes.
 8 Q Okay. Now we're going to play the file
 9 named Terry 2, which we had marked as
 10 Plaintiff's Exhibit 7 from 2 minutes and 50
 11 seconds to six minutes and 30 seconds.
 12 (Tape Playing.)
 13 BY MR. SEIDENFELD:
 14 Q Mr. Brooks, we stopped the recording at
 15 426.
 16 From 250 to 426, were you in Mr. Cooper's
 17 office, or were you on your way there?
 18 A I was on my way there.
 19 Q Okay. And do you know any of the other
 20 people's whose voices you heard on the tape we
 21 just played?
 22 A No.
 23 Q Okay. And you didn't go talk to them or
 24 report what happened to any of them?
 25 A No, I didn't know them.

56 (Pages 218 to 221)

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Brooks - Confidential

Q Okay. We're going to play the rest of the file, Terry 2 starting at 426.

(Tape Playing.)

BY MR. SEIDENFELD:

Q Mr. Brooks, is that the recording, a piece of the recording that you made during your meeting with Mr. Cooper?

A Yeah, that was the second.

Q Okay. I heard some other voices on the recording.

Do you know who any of those voices were?

A No. People was coming in and out. I don't know.

Q People were -- the whole -- during the whole time of the recording that we played people were coming in and out?

A They weren't coming inside the office. But dudes were sticking their head in front of the door and talking.

Q Was the door open?

A It wasn't wide open. You could hear it opening and closing. You could hear it.

Q Okay. Again, why didn't you say anything to Mr. Cooper about what had happened,

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allegedly happened, if you knew you were recording this?

A Like I said, I believe he knew that I was recording, too.

Q So why wouldn't you at least --

A I didn't know what to think. I never did nothing like that before.

To answer your question, I did nothing like this before. I never had to try to get a person to say what they were doing on tape. I never did it.

Q I understand that you didn't know how to get him to say what happened.

But why didn't you say what you alleged had happened?

A I didn't know how to speak about the issue, period.

Q Not even to say something along the -- Hey, Terry, why did you do this to me when --

A No, not even to say that. I wanted to fight Terry. And I don't really talk when I'm ready to fight. I wanted to fight. That's what I wanted to do.

So I went to speak to somebody that I

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could speak to, which was Mr. Paul Washington so he could advise me on what I should do.

Q That was after you spoke to Terry?

A Immediately after. I don't know. I don't -- yeah, yeah, it was after I spoke to Terry.

Q Why did you go speak to Terry a second time before you went to go speak to Paul Washington?

A I told you I don't know if I went before or after, but I know I wanted to get him on tape saying something sexual to me.

I didn't want to initiate it. I wanted him to say it on his own like he always do.

Q You say "like he always do."

Are you referring to -- other than the two incidents we discussed, are there any other times that Mr. Cooper touched you inappropriately?

A No.

Q Why did you say to him, What can I do to show my appreciation?

A What?

Q Why did you say to Mr. Cooper, what can I

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do to show my appreciation?

A He said where's my appreciation at. He said where's my appreciation.

Q Right.

And then later you responded what can I do --

A Later? Immediately.

I said what can I do to show you my appreciation, because I wanted him to say something sexual. But he knew I was lying to him and he said, good-bye.

Q Why did you thank him for changing your schedule?

A I was having a hard time getting my schedule changed.

Q Why say thank you to someone who you claim has just subjected you to this type of treatment?

A Why?

Maybe it would have been better not to thank him.

Q I'm trying to understand your thinking at the time.

Can you tell us what your thinking was at

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1 Brooks - Confidential
 2 the time you thanked him?
 3 A No, I can't. I don't know what I was
 4 thinking.
 5 Q After this meeting with Terry, you went to
 6 go see Paul Washington?
 7 A I don't know if it was before or after. I
 8 spoke to Paul Washington. I don't -- I don't
 9 remember.
 10 Q What did you say to Mr. Washington
 11 Mr. Paul Washington?
 12 A I told him what happened.
 13 Q And what did you tell him happened?
 14 A I told him that Terry touched me.
 15 Q Did you tell him that you went down to
 16 speak with Terry after that happened?
 17 A He told me to go speak to
 18 James Washington. And I think -- that's why I
 19 think I went and spoke to Paul Washington first
 20 before I came back.
 21 Q I'm sorry?
 22 A That's why I think I went to speak to
 23 Paul Washington first before I came back in the
 24 building. I don't remember, though.
 25 Q You said before you came back in the

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1 Brooks - Confidential
 2 building?
 3 A Yeah.
 4 Q You mean before you spoke with Terry in
 5 his office a second time --
 6 A Yeah.
 7 Q -- or do you mean after -- you had to
 8 leave the building?
 9 A Yeah.
 10 Q Which one?
 11 A Before I went and spoke to Terry.
 12 Q Okay. Did you tell -- did you tell
 13 Paul Washington that you were recording Terry?
 14 A No.
 15 Q Did you tell him you were going to go back
 16 and speak to Terry again?
 17 A No.
 18 Q So you said you told him that Terry
 19 touched you.
 20 What specifically did you say?
 21 A I told him that Terry touched me. I told
 22 him he violated me.
 23 Q Did you give him any specifics?
 24 A I told him he grabbed my penis. He was
 25 like, Word? Wow.

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1 Brooks - Confidential
 2 And I told him I wanted to fight him, but
 3 I didn't know what to do. He said don't, don't
 4 do nothing like that. Go speak to
 5 James Washington. And then I think I went back
 6 in the building to speak to James Washington,
 7 but he wasn't there. And so I went to go get a
 8 recording.
 9 That's -- yeah, that's what I think
 10 happened. Then I went and tried to get
 11 Terry -- try to record Terry saying something
 12 inappropriate to me on tape.
 13 Q Did Paul Washington suggest you do that?
 14 A What, record him?
 15 Q Yes.
 16 A No.
 17 Q How come if Paul Washington told you just
 18 to go report the incident, why did you go back
 19 and speak to Terry if that's the order that
 20 these meetings happened in?
 21 A I just told you I wanted to get him on
 22 record saying something inappropriate to me.
 23 Q You said then you went to go and try and
 24 speak to James Washington.
 25 What happened?

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1 Brooks - Confidential
 2 A He wasn't there, or he was in a meeting or
 3 something; I don't know. I know he was not
 4 accessible.
 5 Q What did you do next?
 6 A I left. I went to the Bronx.
 7 Q To your wife's house?
 8 A Yep.
 9 Q Why didn't you file a police report?
 10 A I'm uncomfortable with police to begin
 11 with. One of my parole stipulations is not to
 12 have any police contact.
 13 Q That stipulation prevents you from
 14 reporting what you believe to be an assault?
 15 A No police contact means no police contact
 16 to me. I never filed anything on anybody
 17 before, ever. I usually get my own justice.
 18 Q Why didn't you get your own justice
 19 against Mr. Cooper?
 20 A I didn't want to go back to prison. I
 21 have children. I didn't want to go to prison.
 22 Q Did you tell your parole officer what
 23 happened?
 24 A I did.
 25 Q Who is your parole officer?

58 (Pages 226 to 229)

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1 Brooks - Confidential
2 A Bido.
3 Q And what's the last name?
4 A That is the last name.
5 Q The last name is P-i-d-o?
6 A B-i-d-o.
7 Q B-i-d-o.
8 And when did you tell your parole officer
9 about what happened?
10 A Immediately, as soon as I seen her.
11 Q Do you know if your parole officer
12 reported this to the police?
13 A No.
14 Q Did you --
15 A I don't know.
16 Q -- ask her not to?
17 A No.
18 Q What did your parole officer say to you
19 when you told her what you alleged happened?
20 A She asked me if I was okay. She asked me
21 was I comfortable staying at the Gates facility
22 anymore. I said I'm all right. He's not here,
23 because he wasn't there.
24 And that was about it.
25 Q Do you know if this was before or after

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1 Brooks - Confidential
2 Q Why not?
3 A I was embarrassed.
4 Q Why were you embarrassed?
5 A Because I felt I should have fought him.
6 Q Did you ever tell your wife about what
7 happened?
8 A No.
9 Q To this day she has no idea?
10 A No.
11 Q Does she know you're involved in a
12 litigation?
13 A No.
14 Q Mr. Brooks, you said you told your parole
15 officer that you weren't afraid to be at the
16 Gates Avenue facility, despite what I alleged
17 happened.
18 Why was that?
19 A Because Terry was gone.
20 Q But not immediately, right?
21 A What do you mean, "not immediately"?
22 Q He was --
23 A He wasn't there at the time.
24 Q What do you mean, "at the time"?
25 A And Washington told me that he wouldn't be

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1 Brooks - Confidential
2 you spoke with Mr. James Washington the next --
3 the day after the alleged incident?
4 A I believe it was after.
5 Q It was after?
6 A I believe so.
7 Q You said it was -- you said you told your
8 parole officer immediately.
9 Was it the same -- was it that day?
10 A The next time I seen her I told her.
11 Q Do you remember when that was?
12 A No.
13 Q Was it after you had met with The Doe Fund
14 as part of their investigation?
15 A I think so. I'm not sure.
16 Q When you left the Gates Avenue facility,
17 you said you went to your wife's house in the
18 Bronx?
19 A Yeah.
20 Q And what did you tell your wife about what
21 happened?
22 A I typed up the report, that's what I did.
23 Q Did you tell your wife about what
24 happened?
25 A No.

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1 Brooks - Confidential
2 coming back until the end of the investigation.
3 Q And that's when you met with
4 Mr. Washington, James Washington the next --
5 the morning after the day of the incident?
6 A I'm going to need a break. I'm going to
7 need a break.
8 Q Okay.
9 A I got to smoke. I got to go.
10 (Recess taken.)
11 (Deposition Exhibit 8, Document Entitled
12 "Complaint," marked for identification as of
13 this date.)
14 Q Mr. Brooks, I'm going to hand you what
15 we've marked as Plaintiff's Exhibit 8.
16 Is that the complaint that you typed up
17 the night of July 21, 2016 at your wife's
18 house?
19 A Yes, it is.
20 Q And you wrote this on your own?
21 A Yes, I did.
22 Q Did anyone review it?
23 A No.
24 Q And -- strike that.
25 Before you submitted it to

59 (Pages 230 to 233)

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Brooks - Confidential

James Washington, did anyone look at it?

A No. But I think my wife, it's possible that she could have seen me writing it. But she never made a comment.

I have a feeling she knows something is wrong because she asked me -- but I don't recall us having a conversation about it.

Q Did your wife ever read this complaint?

A I don't know.

Q Did you ever show it to her?

A No.

Q Is it on your -- did you type it up on a computer?

A On her computer.

Q Did you erase it after?

A I believe so.

Q What?

A I believe I did.

Q Did you print it out after you typed it up?

A Yes.

Q Just one copy?

A I don't recall how many copies I printed out.

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Q Okay. How did you provide this to your attorneys, electronically or in hard copy?

A I don't remember.

Q It's possible that your wife has read this?

A It's possible.

Q But she has never discussed it with you?

A I don't recall having a conversation with her about it.

But our sex life was not the same. And she used to ask me what's wrong with me. Something bothering me because we usually --

Q I'm sorry, what --

A She asked me what was wrong with me and if --

Q This date, the 21st?

A No, afterwards.

That's why I said I don't know if she read it because she was asking me about our sex life, why it wasn't like it used to be.

Q Were you back together with your wife as of 2016?

A No. We would see each other off and on.

Q Okay. And do you have sexual relations

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with your wife when you see her?

A It wasn't as frequent as -- after this occasion, that's why.

Q How frequently did you have sexual relations with your wife before July 21, 2016?

A I don't know. I wasn't keeping count. But when I seen her, when I spent the night at her house, when I was on my weekend passes, stuff like that.

Q Was it every time you saw her?

A I don't remember if it was every time, but we had a healthy sex life.

Q What do you mean by "healthy sex life"?

A We were attracted to one another; we had sex.

Q Are you not attracted to your wife anymore?

A I am, but I'm not really motivated towards having sex like that anymore.

Q When was the last time -- actually, strike that.

After July 21st, how often did you have sex with your wife?

A Not very often.

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Q Do you know the frequency?

A No.

Q After July 21, 2016, did you have sexual relations with any other women?

A Yes, I did.

Q And what -- how many women?

A Maybe three.

Q On a regular basis with any of them?

A No.

Q Just the single occasion?

A Yeah.

Q With all -- with all three of them?

A With like one I've been, every now and again, when she come to New York I have sex with her.

Q What's "every now and again"?

A Whenever she has time off from school.

Q Whenever you see her you have sex with her?

A Yeah. But she don't come very often. I think about three times altogether.

Q And over what time period?

A A year.

Q Is that present?

60 (Pages 234 to 237)

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1 Brooks - Confidential
2 A year from the present, from today?
3 You have to say "yes."
4 A Yeah, I believe so.
5 Q Let's go back to your complaint.
6 When you returned to Gates Avenue, you
7 brought the complaint with you in an envelope?
8 A Yes.
9 Q And --
10 A I don't know if it was in an envelope,
11 though. I know I brought the complaint with
12 me.
13 Q Was it folded -- did you -- so some people
14 couldn't see what was on it?
15 A I don't remember.
16 Q Okay. What did you do with it?
17 A I put it in Mr. Washington's mailbox.
18 Q Okay. At this point had you told anyone
19 about what happened, other than Paul
20 Washington?
21 A No.
22 Q And that was the night of July 21st, the
23 same day as the incident?
24 A Yes.
25 Q The next morning you met with

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1 Brooks - Confidential
2 James Washington?
3 A Yes.
4 Q And what did you -- what did
5 Mr. Washington tell you?
6 A He told me that he was -- there would be
7 an investigation. And until the completion of
8 that investigation, Terry would not be coming
9 back in, that I didn't have to worry about
10 seeing him.
11 Q And was that the case?
12 A No. I did see him again.
13 Q You saw him the day that he came in to be
14 interviewed by The Doe Fund, right?
15 A Yes, I believe so.
16 Q But he wasn't working, he was just there
17 to be interviewed?
18 A As far as I know.
19 Q And after that date did you ever see
20 Mr. Cooper again?
21 A No.
22 Q Okay. And as far as you know, are you
23 aware that The Doe Fund terminated him?
24 A I found that out later.
25 Q Okay. When later?

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1 Brooks - Confidential
2 A When somebody from The Doe Fund called me.
3 Q Okay. Do you know if it was Kanise
4 from --
5 A I believe it was Kanisa.
6 Q And that was shortly after you had met
7 with The Doe Fund as part of their
8 investigation?
9 A It was after. I don't remember how long
10 after, but it was after.
11 Q And when you met with -- when The Doe Fund
12 conducted their investigation, who did you meet
13 with?
14 A Two HR people and Mr. Washington.
15 Q Ms. Gilmore?
16 A That name sounds familiar, yes.
17 Q The woman who's been -- she just stepped
18 out.
19 The woman who has been sitting here with
20 us here today?
21 A Yes, she does look familiar.
22 Q And another person from The Doe Fund?
23 A Yes.
24 Q And they took your allegation seriously?
25 A What do you mean did they take my

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1 Brooks - Confidential
2 allegation seriously?
3 Q They took you seriously; they didn't blow
4 you off and say go away?
5 A They asked me a series of questions.
6 Q To find out what happened; is that
7 correct?
8 To understand your allegations, correct?
9 A They asked me questions.
10 What their motive was, I don't know.
11 Q Mr. Brooks, in this case, you're
12 complaining that The Doe Fund and
13 Mr. Washington and Mr. Cooper retaliated
14 against you.
15 What's the basis for your claim?
16 A I never said Mr. Cooper retaliated against
17 me.
18 Q Who retaliated against you?
19 A The employees at The Doe Fund.
20 Q Which employees?
21 A Mr. Wiggins, who was disturbing my routes,
22 not allowing me to go on my routes. He refused
23 to give me a new schedule. He would pull me
24 off of my routes.
25 Even though I was there on time and on the

61 (Pages 238 to 241)

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 van, he would have me taken off the van and had to stand on the corner, and kind of made me a rover; meaning that I had a steady site that I was going to, and he pulled me off of that site, which was the Vernon site, without my knowledge.

And what else?

Q Let me -- we'll go -- actually, I'm sorry, tell me the other people who you claimed retaliated against you, and we'll go back through.

A It was Mr. Wiggins. I think it was Mr. Stevens. He used to wake me up every morning even though I had a sleeping pass. And he would wake me up, and I was not able to get sleep so I could go to work.

And other little things that was happening. I tried to recall most of the things that was going on.

Q What else was going on that you allege as retaliation?

A Like I said, with the work sites.

Q Mr. Wiggins?

A Mr. Wiggins.

Brooks - Confidential
 A He was pretending that I wasn't trying to get my own apartment.
 Q Anything else?
 A Not that I remember.
 Q Eric, head of security, what did he do?
 A I had an overnight pass and I was out at my wife's house. Mr. Washington had gave me permission to go out and come in after 10:00. And when I returned he said that I didn't have an overnight pass. And that I wasn't allowed to go into my room. And I protested and I told him that Mr. Washington himself gave me permission, as well as Mr. Porter, who was my counselor at the time.

Q When was this?

A This was after the incident with Mr. Cooper.

Q When?

A I don't remember. I recorded it, though. I recorded a portion of it. I didn't get to record the first part because I didn't know that this was going to happen. So when I walked in I didn't know that it was going to be a problem.

Brooks - Confidential
 Q So for now -- we'll go through the incidents. But I just want you to tell me all the people who you claimed retaliated against you?

A Mr. Washington.

Q James Washington?

A Yeah.

Q Okay. Who else?

A Timothy Matthews. Eric, who was the head of security.

Q Anyone else?

A That's all, to my recollection.

Oh, well, Mr. O'Neil Young. He was kind of -- he was giving me a hard time. But, you know, I don't know if that was retaliation. I don't know if it was intentional.

Q Anyone else?

A Not that I recall at the moment.

Q What did Mr. Young do to retaliate, if anything, against you?

A Well, I said I don't know if it was retaliation or whatever. He was just giving me a hard time.

Q About what?

Brooks - Confidential
 And when I protested against it saying I was going up to my room, he told me that I had to sit in some corner and wait until -- sometime in the morning. And I told him I'm not going to do that. He told me that he's going to call the police on me.

Q Did you go back to your room?

A I did not.

Q Where did you go?

A I went and sat down.

Q Where did you sit down?

A I think I went to the backyard to smoke a cigarette.

Q Do you know what time you returned?

A No.

Eventually, you know --

Q No, I'm asking you what time you came back to Gates Avenue.

A No, I don't remember what time I came back to Gates.

Q Anything else Eric did to retaliate against you?

A Well, he was used by Timothy Matthews, telling me that I lost my bed. This happened

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1 Brooks - Confidential
 2 several times.
 3 MR. SEIDENFELD: I'm sorry, could you just
 4 read back.
 5 (Record read.)
 6 Q Okay, and when was that?
 7 A I don't know the exact date.
 8 Q Was it close towards the time when you
 9 left the Gates Avenue facility?
 10 A Was it towards the time that I left the
 11 Gates Avenue facility?
 12 Q You want me to rephrase it?
 13 A Yes, please.
 14 Q How long before -- strike that.
 15 How close in time did this happen to the
 16 time when you left Gates Avenue?
 17 A Permanently?
 18 Q In July of 2017.
 19 A I can't really recall.
 20 What I do know is it happened on several
 21 occasions.
 22 Q When was the last time it happened?
 23 A I don't know. I recorded it. I recorded
 24 it, and I recorded Eric saying that Tim -- that
 25 it was Tim that was saying that I lost my bed.

1 Brooks - Confidential
 2 And he don't -- and that he believes it was
 3 retaliation against me. He said he don't know
 4 if it was something personal with me or
 5 whatever.
 6 Q Eric said that you?
 7 A Eric said that to me, because he said it
 8 was abnormal for them to be doing that to me.
 9 Q Anything else that Eric did to retaliate
 10 against you?
 11 A Eric was part of the security there. So
 12 the security would often come up to my room
 13 when I'm sleep and ask me for a urine.
 14 Q Was that part of your parole drug testing?
 15 A They are not parole.
 16 Q Was it part --
 17 A They are not my parole officers.
 18 Q Was it part of the terms you agreed to
 19 when you agreed to stay at the Gates Avenue
 20 facility?
 21 A No. That was part of The Doe Fund
 22 program. I was no longer a part of The Doe
 23 Fund program. They were not allowed to ask me
 24 for urine anymore.
 25 Q When you say you were no longer a part of

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1 Brooks - Confidential
 2 The Doe Fund program, what do you mean?
 3 A I was no longer a apart of The Doe Fund
 4 program meaning, I was no longer on the work
 5 staff, on the work crews. I was no longer
 6 eligible to get the trainings that was offered
 7 and, therefore, I was no longer -- I was no
 8 longer eligible to go on my weekend visits with
 9 my wife and children.
 10 Q But you were still residing at The Doe
 11 Fund facility?
 12 A Because it's a shelter. It's a shelter.
 13 They did everything that they could do to
 14 kick me out. They wanted me out.
 15 Q Who wanted you out?
 16 A All of them. Particularly,
 17 Timothy Matthews -- and -- as was stated by
 18 Eric. And so they tried to make life difficult
 19 for me. They changed my room. That's how my
 20 room got changed from the first guy, Turk, that
 21 I was rooming with, into a larger room
 22 downstairs.
 23 Q Didn't you request for your room to be
 24 changed?
 25 A I did not. No, I did not.

1 Brooks - Confidential
 2 Q So what else did -- anything else that
 3 Eric did to retaliate against you?
 4 A Not that I remember. I don't remember
 5 every little thing that they did.
 6 I just remember -- what I do remember, it
 7 was something every single day.
 8 But, you know, that was one of the, you
 9 know, problems was the urine.
 10 What they did have permission to do, being
 11 a DHS shelter, was to take a Breathalyzer test.
 12 I did that. But I wouldn't urine for them. So
 13 they were upset with me about that.
 14 Q That just happened one time?
 15 A No, it happened several times.
 16 Q Do you remember when?
 17 A No, I can't pinpoint every time that it
 18 happened, all the dates.
 19 Q Okay. And how did Mr. Matthews retaliate
 20 against you?
 21 A By telling the security that I had lost my
 22 bed when I had a right to be out at that time.
 23 There was a culture there where you call before
 24 the time and let them know that you were coming
 25 late, that they would hold the bed.

63 (Pages 246 to 249)

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Brooks - Confidential

I would call the front desk and let them know I was behind for whatever reason, and that became a problem. And even though I would call in advance, they would take my bed anyway and make me sit inside this room for hours.

Q How many times -- when did that happen?

A It happened on a few occasions. I don't remember the exact times, but I do recall tape recording one of the times. Maybe once or twice I tape recorded it.

Q Anything else Timothy Matthews did to retaliate against you?

A No. It was more, you know, verbal attitudes and things of that nature. I recorded what I had.

Q What did Mr. Stevens do to retaliate against you?

A I told you he would come --

Q Just the wake up?

A -- to my door and bang on the door and jingle his keys and slam doors in the hallways and I couldn't sleep.

Q What about -- anything else that Mr. Stevens did?

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Brooks - Confidential

A You know, he had a standoffish attitude. All of them had a standoffish attitude when dealing with me. I didn't care. I figured that they didn't like me because of the report that I made against, you know, one of their coworkers. So it was hostile. They were hostile.

Also, I do know that -- I don't know who did it, but one of them told some of the work crew what happened with Terry. And I remember speaking with a guy and he said Terry got fired because he touched somebody. And I don't know if he knew it was me or not, but . . .

Q Who told you this?

A Somebody who worked on one of the routes. And I went in and spoke to Mr. Washington about it. I was very upset. And I told Mr. Washington I thought that this was supposed to be between us and HR.

And he act like he was surprised, like he didn't know how it got out of the room. But only me, him and HR was there. So, you know, who said something.

And so --

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Q The person who said that Terry got fired for touching someone didn't say -- didn't tell you that he knew it was you?

A No, he didn't say that.

Q Okay. So as far as you know, whatever was told didn't specifically relate to your incident with Terry, or you weren't identified?

A No. He didn't say if he knew it was -- I don't know if he knew it was me or not, or if he was mentioning that to -- hoping that I would say something about it. But I just listened.

And I said, Really, oh, okay. And that was that.

Q When -- when did this happen?

A I don't remember when it happened. I just remember it happened. I don't remember what date it was.

Q Did it happen in 2017?

A I don't remember when it happened.

Q Do you remember where you were working when it happened?

A No.

Q Was it when you were at 4C?

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A I don't recall. I don't recall.

Q You don't remember who?

A I know the guy by face, but I don't know his name.

Q He was a RWA program member?

He was on the workforce crew with you?

A Not with me.

Q On the workforce crew?

A Yeah, he was on the workforce crew.

Q Okay. Any other thing Mr. Stevens did to retaliate against you?

A I don't recall everything that happened. I can't -- I don't have a recollection of everything that happened. I just know every day living there I didn't feel comfortable in there anymore.

Q Mr. Brooks, we need to know -- we don't know what happened. Only you know what happened. If you can't -- if you don't remember anything else, you can tell us, that's fine.

A Like I said, I don't recall every incident that happened. All I know is every day it was -- I didn't feel comfortable being there

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anymore and Terry was gone, you know.

And I addressed that to Mr. Washington, like, I shouldn't feel like -- I shouldn't be retaliated against by the staff. If that was their friend, they should have told him to stop doing what he was doing.

Q How did Mr. Williams retaliate against you?

A Well, he was -- I was trying to get my change of program, and they told me I had to speak it Wiggins.

I went to speak to Wiggins one day, and he started talking, like, tough street talk. I recorded him saying that he kick ass from -- in Ready, Willing & Able to the streets. He's well-known in Harlem, from the east side to the west side.

To me it appeared to be a intimidation thing where he was trying to intimidate me. So I concluded he knew about the situation that happened with me and what's his name. So --

Q Why did you conclude that based on that?

A Because I had no problems with that man. I didn't even know him. All I knew was he was

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the guy I had to go speak to.

Q Speak to about what?

A About getting a new schedule, a new work schedule.

Q And do you know what Mr. Wiggins' title was?

A No. But I do -- what people told me was that he was like a Mr. Washington for the porter.

Q For the who?

A For the porter, I believe. I could be wrong.

But people told me he was like a Mr. Washington, that he was somebody. And when Mr. Washington is not there, he was the guy.

And he was making little subtle threats.

Q What kind of threats?

A Indirect threats.

Q What did he say?

A I told you. Like how he kick ass from here to Harlem, and everybody -- he's about that mess, you know, meaning violence.

And so he was giving me a tough time with getting my schedule, talking about he not going

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to give me two weekend days off. You know, I'm going to get what he give me. Stuff like that.

Q Is this when you were on the Workforce Development phase of the program?

A This was when I was doing the street cleaning, trying to get my thing changed. Because even though Terry wasn't there, I still hadn't got a schedule, a work schedule.

And I was trying to get my hands on a work schedule, because I had to turn in my work schedule to my counselor and to my parole, and they refused to give it to me.

And so he was the guy I was told I had to speak to. And when I did, this is what happened. He was telling me about how he kick ass. And he was telling me he wasn't going to give me days.

Q Anyone else you claim retaliated against you?

A No. I mean, I recall Mr. Ronald Holly saying that I need to get my shit together. And I didn't understand where that was coming from. This was one of the opportunities where he pulled me off of the work truck. And I'm

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like, What do you mean I need to get my shit together? He said you need to get your shit together.

I was there on time. I was on the work truck. They pulled me off of the work truck, made me stand on the corner and said I was going to a different route.

And so I spoke to Mr. Bell about it, and . . .

Q Anyone else retaliated against you?

A I wouldn't say retaliated against. I was just -- I was having a lot of hard times on the sites. I would be doing my job. And there was a guy at the Vernon route, and the Myrtle route that would just give me a hard time.

Q Do you remember his name?

A No. He was the supervisor for those routes. The Vernon route. I can't remember his name. I probably wrote it down somewhere. But right now I don't remember his name. He would always run up on me and, you know, bother me about something.

I'm a good worker. I like to work. So I know my work ethic is exemplary. So I couldn't

65 (Pages 254 to 257)

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1 Brooks - Confidential
 2 understand why he was bothering me so much.
 3 Q Anyone else?
 4 A Not that I could recall at this point.
 5 Q How did Mr. Washington retaliate against
 6 you?
 7 A I believe I explained that already.
 8 Q I don't believe you did.
 9 Can you answer again?
 10 A I was speaking with him about all of this
 11 stuff. He would tell me that it was going to
 12 be taken care of, and he would send me to
 13 somebody, and then it would be a problem.
 14 Q What stuff?
 15 A Everything from taking off of work. I got
 16 put in for a no call no show.
 17 Q Did anything -- who put you in for a no
 18 call no show?
 19 A Mr. Bell, put me in for a no call no show.
 20 And anyway it wasn't true.
 21 Me and Mr. Washington had discussed that,
 22 and I was getting the day off because I needed
 23 to see my parole officer and then I needed to
 24 return back to the facility to speak to HR.
 25 On that day I was put in for a no call no

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1 Brooks - Confidential
 2 show. And I was very clear with Mr. Washington
 3 about it, and I still got put in for a no call
 4 no show.
 5 Q How do you know you were put in for a no
 6 call no show?
 7 A Because he told me. Mr. Bell told me I
 8 was put in for a no call. He's the one who did
 9 it.
 10 Q Would you have any -- were there any
 11 repercussions for --
 12 A Yeah. It's a writeup. It's on my work
 13 record.
 14 Q Did anything happen?
 15 A What do you mean, "did anything happen"?
 16 Q Did you lose an assignment?
 17 Did you lose any pay?
 18 A No, it's --
 19 Q Were you suspended, demoted?
 20 Were you terminated?
 21 Did anything happen to you as a result of
 22 you alleging you were written up for a no show?
 23 A It was put on my record that I didn't call
 24 or didn't show. And it was expressed to me if
 25 I got more no call no shows, that I would be

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1 Brooks - Confidential
 2 terminated from the work assignments.
 3 I didn't think that was fair because
 4 Mr. Washington is the one that told me I could
 5 have off on that day; and he did the same thing
 6 with my late pass.
 7 He told me that I had a late pass, and
 8 when I came in, I was accosted by the security
 9 and berated and yelled at, talking about why
 10 I'm not in on time.
 11 Q When was this?
 12 A The time I told where I told you he said
 13 that he was going to call the police on me.
 14 Q Who said he was going to call the police
 15 on you?
 16 A Eric.
 17 Q Okay. Any other people who retaliated
 18 against you?
 19 A That's all I could recall at this time.
 20 Q You also claimed for discrimination based
 21 on your race.
 22 Who discriminated against you based on
 23 your race?
 24 A I feel it was not -- it was not only my
 25 race. It was my status as well.

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1 Brooks - Confidential
 2 Q First, I want to ask you who do you allege
 3 discriminated against you based on your race?
 4 A All the administrators at The Doe Fund.
 5 Q How did they discriminate against you
 6 based on your race?
 7 Strike that.
 8 Who at The Doe Fund?
 9 A Timothy, James Washington, Mr. Wiggins. I
 10 don't know if his name -- his name is
 11 Anthony Wiggins, Mr. Stevens.
 12 Q How did Timothy discriminate against you
 13 based on your race?
 14 A I feel like they wouldn't have did that if
 15 I was another race.
 16 Q And what do you base that on?
 17 A Their attitudes towards me.
 18 Q Were there other people at The Doe -- at
 19 the Ready, Willing & Able program who they
 20 treated differently?
 21 A I don't know about what they did with
 22 other people. I wasn't in other people's
 23 business like that.
 24 Q Did Timothy say anything to you that made
 25 you believe he was discriminating against you

66 (Pages 258 to 261)

Page 262

1 Brooks - Confidential
 2 based on your race?
 3 A Are you asking me did he say any racial
 4 comments?
 5 Q Did he?
 6 A I can't remember.
 7 Q What's Timothy's race?
 8 A I believe he's either Spanish or
 9 Caucasian. I'm not sure.
 10 Q How did Mr. Washington discriminate
 11 against you based on your race?
 12 A The same thing.
 13 Q Mr. Washington, the same thing you mean by
 14 giving you attitude?
 15 A Yeah.
 16 Q Did Mr. Washington say anything to you
 17 that you believed that made you believe that
 18 this attitude was based on your race?
 19 A Not that I recall.
 20 Q And what's Mr. Washington's race?
 21 A I don't know.
 22 Q You don't know if Mr. Washington's
 23 African-American?
 24 A No, I believe they said he was Dominican.
 25 I don't know. I'm not sure.

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1 Brooks - Confidential
 2 African-American?
 3 Q Isn't it true that he's African-American?
 4 A Okay.
 5 Q Is that yes?
 6 A If you say so.
 7 Q It's not if I say so.
 8 A I don't know their ethnical background.
 9 Q Would it surprise you to know he was
 10 African-American?
 11 A No.
 12 Q What facts do you have to support your
 13 claim that Mr. Stevens discriminated against
 14 you based on your race?
 15 A I believe that I would have been treated
 16 different if I was from another race.
 17 Q So your only basis is your opinion?
 18 A Yeah.
 19 Q What facts -- strike that.
 20 Do you know -- isn't it true that
 21 Mr. Wiggins is black or African-American?
 22 A I don't know that.
 23 Q Would it surprise you to know that
 24 Mr. Wiggins is African-American?
 25 A Okay.

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1 Brooks - Confidential
 2 MR. SEIDENFELD: Can we take a minute.
 3 (Recess taken.)
 4 BY MR. SEIDENFELD:
 5 Q Isn't it true that Mr. Washington is
 6 African-American?
 7 A I tell you I don't know.
 8 Q Would it surprise you to learn -- to know
 9 that he's African-American?
 10 A No, it wouldn't.
 11 Q What facts do you have to support your
 12 claim that Mr. Washington discriminated against
 13 you based on your race?
 14 A Because I believe that because I was --
 15 not only because of my race, but because I was
 16 incarcerated.
 17 Q Well, right now I'm just asking you about
 18 your race.
 19 A In the precarious situation, they would
 20 treat me different if I was of another race.
 21 Q So it's just your opinion?
 22 A Yes.
 23 Q Okay. Isn't it true that Mr. Stevens is
 24 African-American?
 25 A Are you telling me that he's

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1 Brooks - Confidential
 2 Q What facts do you have to support your
 3 claim that Mr. Wiggins treated you differently
 4 because of your race?
 5 A I believe I would have been treated
 6 different if I was somebody from another race.
 7 Q Is the only basis for that allegation your
 8 opinion?
 9 A That's how I feel, yes.
 10 Q Okay. What facts do you have to support
 11 your claim that Timothy Matthews discriminated
 12 against you based on your race?
 13 A Things that he was doing.
 14 Q What things?
 15 A Getting me kicked out. Having me put to
 16 sit in a room after I did everything that the
 17 organization requested that I do, I still was
 18 punished for it.
 19 Q What did --
 20 A I believe he wouldn't have did that to me
 21 if I was from another race.
 22 Q And that's just based on your opinion?
 23 A That's how I feel about it.
 24 Q Okay. Anyone else you allege
 25 discriminated against you based on your race?

67 (Pages 262 to 265)

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1 Brooks - Confidential
 2 A Not that I recall.
 3 Q Mr. Brooks, who did you tell about your
 4 allegations with -- who did you tell -- strike
 5 that.
 6 Mr. Brooks, who did you tell about what
 7 you alleged happened between you and
 8 Mr. Cooper?
 9 A I told Mr. Paul Washington. I told
 10 Mr. James Washington. I told my counselor.
 11 Q Who is your counselor?
 12 A Yolanda.
 13 I told my PO. I told a few counselors.
 14 Q Counselors where?
 15 A Therapists.
 16 Q Who?
 17 A Early on when we read the report, I told
 18 that man.
 19 Q Dr. Reich?
 20 A Yes.
 21 Q Did you tell anyone else at The Doe Fund?
 22 A Not that I recall, no.
 23 Q And who is Yolanda?
 24 A She was my drug and alternative to
 25 violence counselor.

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1 Brooks - Confidential
 2 A Page 19?
 3 Q Page 19.
 4 You see the date there, April 6, 2018?
 5 A I see the date, yes.
 6 Q Do you know if you saw this document
 7 before or after this date?
 8 A I don't -- I don't know.
 9 Q Is it possible?
 10 A I don't remember.
 11 Q It's possible that you saw it for the
 12 first time after this date?
 13 A Yeah, it's possible. I can't remember
 14 reading it or nothing.
 15 Q You don't remember reading information in
 16 this document?
 17 A No.
 18 Q So to the extent there are questions here
 19 that ask for information, did you provide the
 20 information in these answers?
 21 A Yes.
 22 Q How do you know that?
 23 If you haven't -- if you haven't read it,
 24 how do you know that you provided the
 25 information in the answers?

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1 Brooks - Confidential
 2 Q Did she work for The Doe Fund?
 3 A No, she did not.
 4 (Deposition Exhibit 9, Document Entitled
 5 Plaintiff's Responses and Objections to
 6 Defendants' First Set of Interrogatories,"
 7 marked for identification as of this date.)
 8 Q Mr. Brooks, I'm going to hand you what's
 9 been marked as Exhibit 9. The document is
 10 titled "Plaintiff's Responses and Objections to
 11 Defendants' First Set of Interrogatories."
 12 Have you ever seen this before?
 13 A Yeah, I believe so.
 14 Q When?
 15 A I can't remember.
 16 Q So how do you know if you've seen it
 17 before?
 18 A It look like something I've seen before.
 19 Yeah, I believe I've seen this before.
 20 Q When?
 21 A I can't remember when.
 22 Q Was it recently?
 23 A I don't remember when I seen it.
 24 Q Take a look at the second to last page of
 25 the document?

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1 Brooks - Confidential
 2 A Okay. Rephrase the question, please, sir.
 3 Say that again.
 4 Q I asked you if you read this document and
 5 you said no.
 6 A No, I --
 7 Q And then my question -- then I asked you
 8 if you read the answers, and you said no. And
 9 then I said how --
 10 MR. SEIDENFELD: Actually, could you read
 11 back my last question.
 12 (Record read.)
 13 A I know that I probably -- I didn't read it
 14 in its totality, I'm sure. I probably briefed
 15 over it, so . . .
 16 Q What do you mean, "briefed over it"?
 17 A Just skimmed through it.
 18 Q So you didn't read every single answer to
 19 these -- to the questions that are in this
 20 document?
 21 A No, I didn't read everything on this
 22 document. No, I did not.
 23 MR. SEIDENFELD: We're going to go off the
 24 record.
 25 (Recess taken.)

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1 Brooks - Confidential
 2 BY MR. SEIDENFELD:
 3 Q Mr. Cooper -- I'm really sorry.
 4 Mr. Brooks, I apologize.
 5 Mr. Brooks, you have a claim in this
 6 litigation, sir, claiming -- alleging sexual
 7 harassment; is that correct?
 8 A Did you just ask me if I have a claim
 9 against sexual harassment --
 10 Q You have a claim of sexual harassment,
 11 correct?
 12 A Yes.
 13 Q Other than the incidents we discussed
 14 involving Mr. Cooper, is there anything else
 15 that supports your -- any other facts -- do you
 16 have any other facts to support your claim of
 17 sexual harassment?
 18 A Just the recordings that I produced.
 19 Q Other than the incidents with Mr. Cooper
 20 on July 21, 2016, you don't allege that you
 21 were sexually harassed in any other way?
 22 A By anyone else, you mean?
 23 Q By anyone else, certainly, yes.
 24 A No, I don't.
 25 Q What, if anything -- what about -- did

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1 Brooks - Confidential
 2 Mr. -- do you allege that Mr. Cooper did
 3 anything other than what we discussed that
 4 constituted sexual harassment?
 5 A No.
 6 Q Before we spoke briefly about your
 7 allegations of retaliation. You mentioned some
 8 names and some facts that you believe were
 9 retaliatory.
 10 For Mr. Matthews, what facts do you have
 11 to support the claim that he retaliated against
 12 you?
 13 A A recording where Eric stated that.
 14 Q And what's the basis that that was based
 15 on retaliation?
 16 A I had been doing everything I was supposed to
 17 do in the program, and I had been following
 18 all the rules and guidelines set up for me
 19 while living in the Gates Avenue facility.
 20 They had no reason to punish me.
 21 Q So just your opinion?
 22 A That's a fact.
 23 Q I'm asking -- no, no, no. I'm not
 24 asking you about what happened.
 25 I'm asking you what facts support the

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1 Brooks - Confidential
 2 claim that what you said happened was based on
 3 retaliation?
 4 A I told you the recordings that I have with
 5 other staff members saying that what they were
 6 doing to me was abnormal. It's something
 7 that's not done. And it's something that my
 8 hand didn't call for. And it wasn't just Eric,
 9 it was also Mr. Bell, who was also a
 10 supervisor. He took over from Mr. Cooper's
 11 position as the dispatch supervisor. And he
 12 apologized to me because he knew that they were
 13 retaliating against me.
 14 And I got that on record as well.
 15 Q How did Mr. Bell know what happened
 16 between you and Mr. Cooper?
 17 A I don't know how he knew. I don't know
 18 how he knew or if he knew that something was
 19 going on with Mr. Cooper.
 20 But what I do know is he knew people were
 21 doing things to me that my hand didn't call
 22 for, and he apologized to me for it.
 23 Q So you don't know if Mr. Bell knew about
 24 what happened between you and Mr. Cooper?
 25 A I never discussed it with him.

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1 Brooks - Confidential
 2 Q Okay. Do you know if Mr. Matthews knows
 3 about what happened between you and Mr. Cooper?
 4 A I believe so.
 5 Q And what's the basis for that opinion?
 6 A What's the basis of that opinion, is
 7 after -- prior to this situation, I didn't have
 8 any problems with any of the staff.
 9 After the situation it was a hostile
 10 situation with all of the staff. And I never
 11 had no personal disagreements with anyone.
 12 Q You don't know for a fact that
 13 Mr. Matthews knew about the incident between
 14 you and Mr. Cooper?
 15 A I never told him.
 16 Q And you don't know if anyone else told
 17 him?
 18 A I was never there to witness someone tell
 19 him. But I feel that he did --
 20 Q And that's just your opinion?
 21 A I'm quite sure they did.
 22 I mean, he's administration staff. I had
 23 dudes in the work crew that knew something
 24 happened. So I'm quite sure Mr. Matthews knew.
 25 Q You don't have any factual basis for that?

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1 Brooks - Confidential
 2 A I never witnessed somebody tell him, and I
 3 never told him myself.
 4 Q How about Eric, head of security; do you
 5 know if he knew about the allegations of the
 6 incident between you and Mr. Cooper?
 7 A I believe he knew.
 8 Q How -- why do you believe that?
 9 A Based on how he was treating me. He was
 10 also hostile towards me and he threatened to
 11 call the police on me. And I never had a
 12 problem with him before. I didn't disrespect
 13 him. I wasn't loud or boisterous towards him.
 14 Q But you never told him?
 15 A Did I ever tell him about the incident?
 16 Q Mm-hmm.
 17 A I never told him about the incident, no.
 18 Q Did you ever witness anyone tell him?
 19 A No.
 20 Q Do you know if O'Neil Young was aware of
 21 the allegations -- strike that.
 22 Do you know if O'Neil Young knows about
 23 the allegations you made concerning you and
 24 Mr. Cooper?
 25 A I don't know.

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1 Brooks - Confidential
 2 A No, I did not tell him.
 3 Q Did you ever witness anyone tell him?
 4 A No.
 5 Q What do you base the belief on?
 6 A His treatment of me. His hostile behavior
 7 towards me. His, you know, indirect threats of
 8 violence.
 9 Q What's your belief that you alleged that
 10 those threats are based on retaliation?
 11 A Because I did not know the man prior to
 12 this. I never met him. I never seen him
 13 before. There was no reason for him to be
 14 hostile with me.
 15 Q So you didn't interact with Wiggins before
 16 of the incident with Cooper?
 17 A No, I did not.
 18 Q Did you interact with Ronald Holly before
 19 the incident with Mr. Cooper?
 20 A Yes.
 21 Q Did you interact with O'Neil Young before
 22 the incident with Cooper?
 23 A No.
 24 Q Did you interact with Eric before the
 25 incident with Mr. Cooper?

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1 Brooks - Confidential
 2 Q Did you ever tell him?
 3 A I never told him.
 4 Q Did you ever see anyone tell him?
 5 A No, I did not.
 6 Q Do you know if Ronald Holly knows about
 7 your allegations regarding Mr. Cooper?
 8 A I believe that he did.
 9 Q Did you ever tell him?
 10 A No, I did not.
 11 Q Did you ever witness anyone tell him?
 12 A No, I did not.
 13 Q Do -- it's only your opinion that you are
 14 basing that belief on?
 15 A Not just opinion. The evidence is in the
 16 way they were treating me. They were treating
 17 me in a hostile nature after the incident.
 18 Before the incident I didn't have a problem
 19 with any of these gentlemen at all.
 20 Q But you don't know for sure if he knew?
 21 A I never witnessed it.
 22 Q Do you know if Mr. Wiggins knows about the
 23 allegations between and you Mr. Cooper?
 24 A I believe so.
 25 Q And did you tell him?

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1 Brooks - Confidential
 2 A Yes.
 3 Q Did you interact with Mr. Matthews before
 4 the incident with Cooper?
 5 A Yes.
 6 Q Did Mr. Stevens know about the allegations
 7 you made against Mr. Cooper?
 8 A I believe so.
 9 Q Did you ever tell him?
 10 A No, I did not.
 11 Q Did you ever see anyone tell him?
 12 A No, I did not.
 13 Q What's the basis of your belief he knew?
 14 A Because he was hostile towards me as well.
 15 Q And you told Mr. Washington about the
 16 incident between you and Mr. Cooper, correct?
 17 A Yeah.
 18 Q What facts do you have to support your
 19 claim that Mr. Washington retaliated against
 20 you based on the fact that you told him about
 21 the incident with Mr. Cooper?
 22 A Like I addressed earlier, I would ask him
 23 for permission to stay out late or to have a
 24 home pass, and he would give me permission.
 25 Then when I came back, I was in trouble. And I

70 (Pages 274 to 277)

Brooks - Confidential
was punished for it.

Q How were you punished?

A I told you that earlier. I was made to sit in a room and wait for hours before I was able to get in my bed or go to the room.

MR. SEIDENFELD: I think we're going to finish for today.

MR. BARTOLOMEO: I'd like to at least put on the record that on behalf of Defendant Cooper, we are reserving our right to call the witness back to complete the deposition, or at least to take the deposition of the witness pursuant to the federal rules.

MR. SEIDENFELD: And we reserve the right to bring Mr. Brooks back for the remainder of the time that we have under the rules.

MR. BARTOLOMEO: And can we just -- can you just go off the record for a second.

(Discussion off the record.).

MR. SEIDENFELD: The interrogatories that we introduced today as Exhibit 9 are not verified. We had asked Mr. Brooks' counsel to verify them today, and she responded that they would not be able -- that Mr. Brooks would not be

Brooks - Confidential

able to review and verify them today, and has committed to get them to us at a subsequent time.

Ms. O'Connell, can you tell us when you can get them done by?

MS. O'CONNELL: We will get them to you by next Friday, at the latest, which is the 15th.

MR. BARTOLOMEO: And I'm sorry. I don't mean to cut you off.

And to the extent that there's any changes in what we have already received, I'd like to also reserve our rights to come back and call the witness back just based on those grounds alone, to ask questions about the differences in the interrogatory answers.

(Continued on the following page to include jurat.)

Brooks - Confidential

MS. O'CONNELL: And plaintiff reserves the right to review the deposition transcript, which I believe would be provided before the next deposition?

MR. BARTOLOMEO: No, I'm objecting to that.

MR. SEIDENFELD: Object to that.

Okay, we're off.

(Time noted: 6:33 p.m.)

GREGORY BROOKS

Subscribed and sworn to before me
this _____ day of _____, 2018.

C E R T I F I C A T E
STATE OF NEW YORK)
:ss
COUNTY OF NEW YORK)

I, MICHELLE COX, a Notary Public within and for the State of New York, do hereby certify:

That GREGORY BROOKS, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of June 2018.

MICHELLE COX, CLR

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from Stephen Reich to Derek
10 Smith
11 Exhibit 2 Document Bates-stamped TDF 130
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12
13 Exhibit 3 Document Entitled "Complaint" 154
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1 NAME OF CASE:
2 DATE OF DEPOSITION:
3 NAME OF WITNESS:

4 Reason Codes:

- 5 1. To clarify the record.
- 6 2. To conform to the facts.
- 7 3. To correct transcription errors.

8 Page _____ Line _____ Reason _____

9 From _____ to _____

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

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CONFIDENTIAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GREGORY BROOKS,)
)
Plaintiff,)
)
vs.) Case No. 17-3626
)
THE DOE FUND, INC., TERRY)
COOPER individually and in his)
official capacity, JAMES)
WASHINGTON individually and in)
his official capacity, and)
ANTHONY WIGGINS individually)
and in his official capacity,)
)
Defendants.)
-----)

CONFIDENTIAL DEPOSITION OF GREGORY BROOKS
New York, New York
Friday, June 15, 2018

Reported by:
MICHELLE COX
JOB NO. 144395

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<p style="text-align: right;">Page 285</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 June 15, 2018</p> <p>6 10:29 a.m.</p> <p>7</p> <p>8</p> <p>9 Confidential Deposition of GREGORY</p> <p>10 BROOKS, held at the offices of Jackson Lewis</p> <p>11 666 Third Avenue, New York, New York,</p> <p>12 pursuant to Notice, before Michelle Cox, a</p> <p>13 Certified LiveNote Reporter and Notary Public</p> <p>14 of the State of New York and New Jersey.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 286</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 DEREK SMITH LAW GROUP</p> <p>5 Attorneys for Plaintiff</p> <p>6 1 Pennsylvania Plaza</p> <p>7 New York, New York 10119</p> <p>8 BY: KELLY O'CONNELL, ESQ.</p> <p>9</p> <p>10 JACKSON LEWIS</p> <p>11 Attorneys for The Doe Fund and</p> <p>12 James Washington</p> <p>13 666 Third Avenue</p> <p>14 New York, New York 10017</p> <p>15 BY: STEVEN SEIDENFELD, ESQ.</p> <p>16 LORI BAUER, ESQ.</p> <p>17</p> <p>18 LEWIS BRISBOIS</p> <p>19 Attorneys for Terry Cooper</p> <p>20 77 Water Street</p> <p>21 New York, New York 10005</p> <p>22 BY: BRADLEY BARTOLOMEO, ESQ.</p> <p>23</p> <p>24 ALSO PRESENT: Eunice Gilmore</p> <p>25</p>
<p style="text-align: right;">Page 287</p> <p>1</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>3 between the attorneys for the respective</p> <p>4 parties herein, that filing and sealing be and</p> <p>5 the same are hereby waived.</p> <p>6 IT IS FURTHER STIPULATED AND AGREED that</p> <p>7 all objections, except as to the form of the</p> <p>8 question, shall be reserved to the time of the</p> <p>9 trial.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED that</p> <p>11 the within deposition may be sworn to and</p> <p>12 signed before any officer authorized to</p> <p>13 administer an oath, with the same force and</p> <p>14 effect as if signed and sworn to before the</p> <p>15 Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 288</p> <p>1 Brooks</p> <p>2 GREGORY BROOKS, called as a witness,</p> <p>3 having been duly sworn by a Notary Public, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION BY</p> <p>6 MR. BARTOLOMEO:</p> <p>7 Q Good morning, Mr. Brooks.</p> <p>8 My name is Bard Bartolomeo. We met the --</p> <p>9 last week. I guess it was under a week ago, in</p> <p>10 connection with this matter that you've brought</p> <p>11 against the Doe Fund and my client,</p> <p>12 Mr. Terry Cooper. I'm from the law firm of</p> <p>13 Lewis Brisbois.</p> <p>14 And if you recall last time, my colleague,</p> <p>15 Mr. Seldenfeld, gave instruction to you about</p> <p>16 the conduct and also the rules regarding the</p> <p>17 deposition.</p> <p>18 Do you recall him giving you those</p> <p>19 instructions?</p> <p>20 A Yes.</p> <p>21 Q I'll just briefly go over them so it's</p> <p>22 clear for today's purposes, and clear for</p> <p>23 record.</p> <p>24 I'm happy to accommodate you with a break</p> <p>25 at any time. If you need to take a break, just</p>

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please -- just understand that if I pose a question to you, you have to answer the question first before we can take a break.

Again, please keep all your testimony oral. The court reporter can't take down a nod of the head or any head gestures. So to the extent that you, you know, do nod your head in response to an answer, what I will ask you to do is to please verbalize it.

Do you understand?

A Yes, I understand.

Q Okay. Great. Also, I'd just ask, many times you may be able to anticipate what the rest of my question is going to be. Before you go ahead and answer, just please hear out the entire question. The reason why is because the court reporter is only able to take down one person's statement at a time.

So if you would just please wait until the end of the question, and when it's finished, and then you can go ahead and answer.

Do you understand?

A Yes, I understand.

Q And last time we had asked you, or at

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least asked you if you had -- excuse me -- been recording the proceedings.

Are you recording the proceedings today?

A No.

Q I'm just going to ask that you don't. And then should you decide to do so, please do let us know.

So since your deposition on June 7th, have you reviewed any documents in connection with this matter?

A Yes.

Q And can you please tell me.

A Interrogatory.

Q Interrogatories, the legal document which asked you questions and you explained some answers?

A Yes.

Q Anything else other than your interrogatory responses?

A No.

Q And did you -- in your interrogatory responses, did you sign any verification page to authentic or indicate that those answers were accurate?

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A Yes.

MR. BARTOLOMEO: Okay. And I'd just ask that, Counsel, when you have an opportunity, to furnish us with a copy of that verification page.

MS. O'CONNELL: I have two copies. I just need the signed one back because he signed it today.

MR. BARTOLOMEO: That's fine. I'm sure we can make a copy of that during a break.

BY MR. BARTOLOMEO:

Q And I guess, you know, I'm going to ask you this, Mr. Brooks: Was there any changes that you made to the interrogatories after you read them?

A Additions.

Q Additions.

MR. BARTOLOMEO: And have you now served on us interrogatories that reflect additional changes or additions to what was included?

And I'm asking this of counsel.

MS. O'CONNELL: Yes. I believe there was three or four. None of them after Question 5.

MR. BARTOLOMEO: Okay. So if you would

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give us -- I'm sorry. I'm going to go off the record.

(Discussion off the record.)

BY MR. BARTOLOMEO:

Q Mr. Brooks, you just did sign the interrogatories during a break. My colleague and I will have a chance to review them and then ask you questions about them later.

Other than the interrogatories, have you reviewed any documents since the last time we met?

A No.

Q If you wouldn't mind just speaking up.

A No.

Q I'm a little hard of hearing.

A No.

Q Did you have an opportunity to review your transcript from the deposition on June 7th?

A No.

Q Other than any conversations that you may have had with your attorney or attorneys from her office, did you speak to anybody else about the testimony that you gave at your deposition on June 7th?

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<p>1 Brooks</p> <p>2 A No.</p> <p>3 Q Did you listen to any of the audio</p> <p>4 recordings that are related to this lawsuit</p> <p>5 since your last deposition?</p> <p>6 A No.</p> <p>7 Q Would you please just describe</p> <p>8 Terry Cooper for me.</p> <p>9 When did you guys first meet?</p> <p>10 A I first seen him my first day going to The</p> <p>11 Doe Fund.</p> <p>12 Q And what does he look like in terms of</p> <p>13 physical appearance?</p> <p>14 Can you just describe him, generally.</p> <p>15 A Maybe 6'3", 6'4", something like that.</p> <p>16 I'm not good with height, but he's taller than</p> <p>17 me. Maybe 300 pounds or more. Light</p> <p>18 complexion. Kind of overweight.</p> <p>19 Q When you say "light complexion," is he</p> <p>20 Caucasian, White, Black, Hispanic, something</p> <p>21 else?</p> <p>22 A I don't know what he is. He's not</p> <p>23 Caucasian, though.</p> <p>24 Q Do you know if he's African-American?</p> <p>25 A No.</p>	<p>1 Brooks</p> <p>2 Q Would you describe him as an outgoing</p> <p>3 person?</p> <p>4 A I don't know him personally.</p> <p>5 Q You don't -- withdrawn.</p> <p>6 On a general, if you can approximate, you</p> <p>7 know, how much time did you spend with</p> <p>8 Mr. Cooper before the incident that you allege</p> <p>9 happened on the 21st?</p> <p>10 A Not much time. I briefly had to speak to</p> <p>11 him a couple of times about the schedule.</p> <p>12 Other than that, not much time at all.</p> <p>13 Q I just want to turn your attention to the</p> <p>14 time period we were talking about last time.</p> <p>15 You gave a pretty detailed history of your</p> <p>16 incarceration history. I believe that you</p> <p>17 testified that you had been in prison or in</p> <p>18 jail, off and on, for about 15 years; is that</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 Q Do you recall giving that testimony last</p> <p>22 week?</p> <p>23 A Yes, that's about right.</p> <p>24 Q I'm asking if you recall giving that</p> <p>25 testimony?</p>
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<p>1 Brooks</p> <p>2 A Yeah, I do.</p> <p>3 Q Did there ever come a time when you were</p> <p>4 incarcerated that you became aware of inmates</p> <p>5 engaging in homosexual activities?</p> <p>6 A Yeah.</p> <p>7 Q And when was the first time during your</p> <p>8 incarceration history that you became aware of</p> <p>9 such activities?</p> <p>10 A I heard about it. There's always whispers</p> <p>11 about what's going on, but I don't know because</p> <p>12 I don't deal with that.</p> <p>13 Q When you say "you don't deal what that,"</p> <p>14 what do you mean?</p> <p>15 A I don't get involved with what other</p> <p>16 people are doing in prison. I mean, you hear</p> <p>17 about it, it's like gossip in the Street. But</p> <p>18 I don't get involved. I don't ask about it.</p> <p>19 It's none of my business.</p> <p>20 Q When you say you don't get involved with</p> <p>21 what other people are doing in prison, are you</p> <p>22 saying you didn't get involved with anybody in</p> <p>23 you kept to yourself the entire time you were</p> <p>24 in prison over the 15 years?</p> <p>25 A I had a few people that I socialized with.</p>	<p>1 Brooks</p> <p>2 Q How --</p> <p>3 A I --</p> <p>4 Q I'm sorry. I didn't let you finish. Go</p> <p>5 right ahead.</p> <p>6 A Yeah, on my last sentence I had a friend</p> <p>7 or two that I socialized with.</p> <p>8 But prior to that I used to gangbang, so I</p> <p>9 had a lot of brothers, and I socialized with</p> <p>10 them as well.</p> <p>11 Q Were any of those individuals gay, any of</p> <p>12 the people that you socialized with?</p> <p>13 A No.</p> <p>14 Q And how are openly gay men treated in</p> <p>15 prison?</p> <p>16 When I say "openly gay," I mean those that</p> <p>17 were known to people in prison as being gay?</p> <p>18 A Different times different situations.</p> <p>19 Q What do you mean by "different times</p> <p>20 different situations"?</p> <p>21 A A long time ago, they couldn't be in a</p> <p>22 regular population.</p> <p>23 Q And why was that?</p> <p>24 A Because they would get assaulted.</p> <p>25 Q When you say "a long time ago," about</p>

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approximately how many years ago are you talking about?

A Around '94, '95, '96.

Q '94 through '96, around then?

A Yes.

Q And did there come a time when that changed?

A Yup.

Q When did that change?

A I don't know. I don't know when it changed. But I know the last time when I went to prison, homosexual was in general population, which I had never seen before.

Q Okay. And that was for which stay, for approximately how many years did you live in a situation or in a prison or a jail where homosexuals were part of the general population?

A The last time I went to prison.

Q Right.

So for how many years during your incarceration history did you stay in a jail or prison that had homosexuals as part of the general population?

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A About four.

Q Did you ever see -- withdrawn.

When you say that homosexual would have been assaulted, what do you mean by that?

A It's just like people being put under protective custody. They were not allowed in regular, general population, because it was looked down upon.

So just like people that's being convicted of rape, if you go to prison and you go to regular population, you get assaulted.

If you did something to a child, and you go to prison and you go to regular population, you get assaulted. That's just what my experience has been in prison.

Q Okay. And I understand, and I think my question was a little bit different.

When you say "assaulted," can you describe what an assault is in the terms that you're using?

A Assaulted, that's just from what I know, what I heard of. I didn't personally get involved with that type of stuff. I just heard about it.

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Q What I'm asking you to describe is actually when you say "assault," what kind of behavior are you talking about?

Like, you know, I'd like you to define the term "assault"?

MS. O'CONNELL: Objection.

You can answer.

A Beat up, jumped, cut, stabbed, stuff like that.

Q If somebody -- if a homosexual tried to engage a person who was not a homosexual while they were in prison, what would happen to them, if anything?

A I don't know. That's -- I don't know what other people do.

Q When you said you were gangbanging, you said there was a number of people you associated with.

Were you aware of any of those individuals assaulting a homosexual man for engaging in homosexual activities?

A No.

Q Did you ever see anyone in prison assault a homosexual man?

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A I did.

Q And can you describe that situation for me.

A Yeah, I remember they brought a homosexual to one of the galleries that I was on. I didn't actually see it, but I know what happened, because I was locked into a pin myself. The guy got cut.

Q When you say, "the guy got cut," what do you mean?

A He got cut.

Q Like did he get stabbed -- withdrawn.

Where did he get cut?

A I believe he got cut in his face. I saw the blood, but I didn't see the actual assault.

Q What is your understanding about what the reason was for assaulting him?

A I don't know. I wasn't -- I didn't talk about it. I just knew that dude was gay and he got cut.

But I don't know if they had a particular history with each other. I don't know.

Q Were there individuals in prison or in jail who were not openly gay; meaning, known to

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2 the population, but who did engage in
3 homosexual activities?
4 MS. O'CONNELL: Objection.
5 A I assume so. I don't know.
6 Q Did there ever come a time when someone
7 attempted to engage you in homosexual activity
8 while you were incarcerated?
9 A No.
10 Q Did you ever proposition any individual to
11 engage in homosexual activity when you were in
12 prison?
13 A No.
14 Q And I know you're laughing?
15 But why is it funny, Mr. Brooks?
16 A Because I'm not a homosexual.
17 Q Had somebody attempted to engage you or
18 proposition you to engage in homosexual
19 activity, how would you have responded?
20 A I don't know how I would respond. It got
21 to happen. When it happened, then I'll
22 respond. I don't know.
23 Q Sitting here today, if someone approached
24 you and tried to engage you or proposition you
25 in homosexual activity, how would you respond?

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1 Brooks
2 A I don't know.
3 Q Whiling you were on the street or out of
4 prison, rather, or jail, did anyone ever try to
5 proposition you and engage in homosexual
6 activity?
7 A Are you talking about before this
8 incident?
9 Q Before this incident, you're alleged
10 incident that occurred with Mr. Cooper, did
11 anybody before that ever try to engage you in
12 homosexual activity?
13 A No.
14 Q Did you ever assault anybody for
15 participating in homosexual activity?
16 A No.
17 Q Do you have any friends that are gay?
18 A No.
19 Q And why is that?
20 A I have a very small circle of friends. I
21 have family members that's gay.
22 Q And how many family members do you have
23 that's gay?
24 A Several.
25 Q Do you talk to them?

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1 Brooks
2 A Yeah.
3 Q And what's your general opinion about
4 those individuals?
5 A What?
6 Q What is your general opinion about those
7 individuals?
8 A I don't have a general opinion about my
9 family. They are my family. I love them,
10 period.
11 Q Okay. So you said there are several.
12 Can you tell me exactly how many family
13 members that you know that are gay?
14 A From what I could remember, off the top of
15 my head, six.
16 Q And have any of those family members ever
17 tried to engage you in homosexual activity with
18 them?
19 A No.
20 Q Of these six individuals, how many of them
21 are men?
22 A One.
23 Q Do you get along with that individual, the
24 man?
25 A Yeah.

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1 Brooks
2 Q And when was the last time you spoke to
3 that gay relative, the male gay relative?
4 A Couple of months ago.
5 Q During the time you were incarcerated,
6 were you ever charged with any additional
7 crimes?
8 A What?
9 Say that again.
10 Q Sure.
11 While -- during the 15 years you were in
12 prison or jail, was there ever a time that you
13 were charged with additional crimes while you
14 were incarcerated?
15 A While I was incarcerated, yes.
16 Q What were those crime?
17 A Assault.
18 Q Other than the assault -- withdrawn.
19 Is the assault that you're just referring
20 to now, the one that happened in the yard where
21 you ended up in solitary confinement for five
22 years after?
23 A No.
24 Q Okay. So when was the first
25 time -- withdrawn.

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<p style="text-align: right;">Page 305</p> <p>1 Brooks</p> <p>2 How many times were you charged with</p> <p>3 assault while you were in prison?</p> <p>4 A I don't know, maybe three times.</p> <p>5 Q And when was the most recent time that you</p> <p>6 were charged with assault?</p> <p>7 A I can't remember.</p> <p>8 Q If you can just give me an approximate</p> <p>9 date, as in the year, that would be helpful.</p> <p>10 A Maybe 2007, 2008.</p> <p>11 Q And which prison were you in at that time?</p> <p>12 A I was in Rikers island.</p> <p>13 Q Can you describe for me the incident that</p> <p>14 led to you being charged with assault while you</p> <p>15 were in Rikers in 2007, 2008.</p> <p>16 A Describe to you the incident?</p> <p>17 Q Yeah, tell me what happened.</p> <p>18 A Me and the CO was not seeing eye to eye.</p> <p>19 So we had a fight, and I got charged with it.</p> <p>20 Q When you say "CO," do you mean corrections</p> <p>21 officer or correctional officer?</p> <p>22 A Yeah, I mean correction officer.</p> <p>23 Q And that would be somebody who would be</p> <p>24 considered your supervisor?</p> <p>25 A Was my supervisor? My supervisor?</p>	<p style="text-align: right;">Page 306</p> <p>1 Brooks</p> <p>2 Q Yeah. Somebody who is in a position of</p> <p>3 authority, let's put it that way.</p> <p>4 A Correction officer is somebody who is in</p> <p>5 a position of authority in jail.</p> <p>6 MS. O'CONNELL: Objection.</p> <p>7 A I guess.</p> <p>8 Q I'll make it easier for you, Mr. Brooks.</p> <p>9 If a correction officer tells you to do</p> <p>10 something, do you have to do it, while you're</p> <p>11 in prison?</p> <p>12 A I guess. That depends. That depend on</p> <p>13 what they are telling you to do.</p> <p>14 Q And when you say you were not seeing eye</p> <p>15 to eye with this correction officer, what were</p> <p>16 you not seeing eye to eye about?</p> <p>17 A Well -- well, let me see how did this</p> <p>18 situation happen.</p> <p>19 It was more complex than that. One of my</p> <p>20 brothers I was gangbanging at the time, one of</p> <p>21 my brothers got violated by a correctional</p> <p>22 officer. And he called to me and told me about</p> <p>23 it over the gate, and I told him all right.</p> <p>24 When the correctional officer came to my</p> <p>25 cell, I gave him what I -- he was a new officer</p>
<p style="text-align: right;">Page 307</p> <p>1 Brooks</p> <p>2 on my tier. So he didn't know what I got to</p> <p>3 eat. So I told him what I got to eat. He</p> <p>4 didn't bring it and so we had a fight.</p> <p>5 Q And when you said one of your brothers was</p> <p>6 "violated" by a correctional officer, what do</p> <p>7 you mean by that?</p> <p>8 A That's what he told me. He said the</p> <p>9 officer violated him. They brought him to an</p> <p>10 isolation cell, and what he explained to me is</p> <p>11 for no reason they brought him to an isolation</p> <p>12 cell.</p> <p>13 Q What was your understanding of what</p> <p>14 "violated" mean?</p> <p>15 A They did something unjust and unfair to</p> <p>16 him.</p> <p>17 Q And is that something unjust and unfair,</p> <p>18 other than bringing him to an isolation cell,</p> <p>19 or he was describing the fact that he was</p> <p>20 brought to an isolation cell was something</p> <p>21 unfair and unjust?</p> <p>22 A Yeah. For no reason.</p> <p>23 Q And am I correct in understanding that</p> <p>24 because he was brought into an isolation cell,</p> <p>25 you took it upon yourself to get into an</p>	<p style="text-align: right;">Page 308</p> <p>1 Brooks</p> <p>2 argument that lead to an assault charge with a</p> <p>3 corrections officer?</p> <p>4 A Yes, that's exactly what happened.</p> <p>5 Q Okay. And was it your understanding that</p> <p>6 anything else happened to that brother of yours</p> <p>7 while he was in that isolation cell that was</p> <p>8 caused by any of the corrections officers?</p> <p>9 MS. O'CONNELL: Objection.</p> <p>10 Q Do you understand my question?</p> <p>11 A No, I do not.</p> <p>12 Q Okay. Did he say to you anything else</p> <p>13 other than the fact that he was brought into an</p> <p>14 isolation cell?</p> <p>15 For example, did they injure him; did they</p> <p>16 not provide him food. I don't know. I'm</p> <p>17 speculating.</p> <p>18 Anything else other than bringing him to</p> <p>19 an isolation cell that caused him to say he was</p> <p>20 being violated?</p> <p>21 A I don't know. I didn't ask.</p> <p>22 Q You also testified -- withdrawn.</p> <p>23 The charge that was brought against you in</p> <p>24 connection with that particular incident, were</p> <p>25 you convicted of that charge?</p>

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<p>1 Brooks</p> <p>2 A No, I was do not.</p> <p>3 Q Were you convicted of any additional</p> <p>4 charges while you were in prison or in jail?</p> <p>5 A No, I was not.</p> <p>6 Q And the other assaults, you said there</p> <p>7 were approximately three, the one before that</p> <p>8 one, when did that occur?</p> <p>9 A I really don't know. That's the last one</p> <p>10 that I remember. I really don't know the</p> <p>11 others. It was earlier. I can't remember.</p> <p>12 Q What was the -- what led to that assault</p> <p>13 charge?</p> <p>14 A I don't know. I can't remember.</p> <p>15 Q And the one that you did just describe</p> <p>16 that you do in 2007, 2008, what -- did you</p> <p>17 physically injure that corrections officer?</p> <p>18 A I don't know.</p> <p>19 Q What was told to you about why you were</p> <p>20 being charged with assault?</p> <p>21 A Why I was being charged with assault?</p> <p>22 Q Yes, why were you charged with assault</p> <p>23 during that incident?</p> <p>24 A Because I had a fight with a correction</p> <p>25 officer.</p>	<p>1 Brooks</p> <p>2 Q And when you say a "fight," what do you</p> <p>3 mean by a "fight"?</p> <p>4 A A fistfight.</p> <p>5 Q And did you punch the ^corrections</p> <p>6 officer?</p> <p>7 A I did.</p> <p>8 Q And how many did you punch him?</p> <p>9 A I don't remember.</p> <p>10 Q Okay. Do you know if there was blood?</p> <p>11 A I don't remember. I don't recall seeing</p> <p>12 any blood.</p> <p>13 Q Do you know if he had to receive any</p> <p>14 medical care as a result of your fight?</p> <p>15 A I don't know.</p> <p>16 Q Did you have to receive any medical care</p> <p>17 as a result of your fight?</p> <p>18 A They took me to the clinic.</p> <p>19 Q And did you receive care, medical care of</p> <p>20 any kind?</p> <p>21 A I seen a nurse or whatever.</p> <p>22 Q Okay. Did she administer any type of</p> <p>23 treatment to you?</p> <p>24 A I don't know. They probably gave me</p> <p>25 Band-Aids or something. I don't really</p>
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<p>1 Brooks</p> <p>2 remember.</p> <p>3 Q You're ready to go, Mr. Brooks?</p> <p>4 A Give me a second.</p> <p>5 Q Last time --</p> <p>6 MR. BARTOLOMEO: Just go off the record</p> <p>7 for one more second.</p> <p>8 BY MR. BARTOLOMEO:</p> <p>9 Q Last time you testified that you had</p> <p>10 received or brought to The Doe Fund a camera;</p> <p>11 is that correct?</p> <p>12 A Yes.</p> <p>13 Q Do you recall giving that testimony,</p> <p>14 Mr. Brooks?</p> <p>15 A Yes.</p> <p>16 Q What was the reason -- withdrawn.</p> <p>17 Can you describe the camera?</p> <p>18 What kind of camera was it?</p> <p>19 A A Canyon.</p> <p>20 Q Canyon, was it like a digital camera?</p> <p>21 A Yeah, a Canyon T3L.</p> <p>22 Q And who -- did it save, like, the files</p> <p>23 when you took a picture to a memory card of</p> <p>24 sorts?</p> <p>25 A Say again.</p>	<p>1 Brooks</p> <p>2 Q Where did it save the files?</p> <p>3 When you took a picture, where was the</p> <p>4 information of that picture saved?</p> <p>5 A Yeah, on a memory card.</p> <p>6 Q And where is that memory card today?</p> <p>7 Does your attorney have it?</p> <p>8 A No.</p> <p>9 Q Do you still have it?</p> <p>10 A Yes.</p> <p>11 Q Are the pictures that you provided to your</p> <p>12 attorney and which she's provided to us, excuse</p> <p>13 me, not the pictures -- withdrawn.</p> <p>14 What did you use that camera for in terms</p> <p>15 of -- related to this litigation?</p> <p>16 A I used the camera to bluff The Doe Fund</p> <p>17 employees into getting a written confession out</p> <p>18 of Terry. That's why I used the camera.</p> <p>19 Q Did you take any pictures, video or audio</p> <p>20 recordings with that camera that are related to</p> <p>21 this litigation?</p> <p>22 A No, I did not. I did that with my phone.</p> <p>23 Q Where did you get the camera from?</p> <p>24 A I bought it.</p> <p>25 Q And when did you buy the camera; was it</p>

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<p>1 Brooks</p> <p>2 before or after the alleged incident with</p> <p>3 Mr. Cooper?</p> <p>4 A It was before.</p> <p>5 Q And why would you have bought the camera</p> <p>6 before the alleged incident with Mr. Cooper?</p> <p>7 A Because I shoot and edit videos.</p> <p>8 Q What kind of videos do you shoot and edit?</p> <p>9 A Things that have to do with my business,</p> <p>10 my books.</p> <p>11 Q Did you ever shoot and edit videos of</p> <p>12 anybody who was a participant -- excuse me, was</p> <p>13 a client of The Doe Fund?</p> <p>14 A No, not that I recall.</p> <p>15 Q And you said that you recorded any of the</p> <p>16 videos and audio recordings related to</p> <p>17 litigation on your phone; is that correct?</p> <p>18 A Yes.</p> <p>19 Q And does your phone -- withdrawn.</p> <p>20 What kind of phone did you use at that</p> <p>21 time?</p> <p>22 A I think it was an LG.</p> <p>23 Q And did the phone save the videos and</p> <p>24 audio clips, excuse me, to a memory card?</p> <p>25 A I think so.</p>	<p>1 Brooks</p> <p>2 Q Where is that phone today?</p> <p>3 A I lost it.</p> <p>4 Q When did you lose that phone?</p> <p>5 A A year or so ago.</p> <p>6 Q And how did you get the files, the audio</p> <p>7 files off that phone?</p> <p>8 A I saved it to my computer.</p> <p>9 Q Do you still have that computer?</p> <p>10 A Yes, I do.</p> <p>11 Q And do you still have the original folder</p> <p>12 or place on your computer where you saved those</p> <p>13 files?</p> <p>14 A My computer is broken right now.</p> <p>15 Q That's not my question, Mr. Brooks.</p> <p>16 A So I can't get in it. So I don't know. I</p> <p>17 can't answer that question.</p> <p>18 Q The last time that you were able to use</p> <p>19 your computer, were the files still on your</p> <p>20 computer?</p> <p>21 A As far as I can remember.</p> <p>22 Q I'm going to ask you just to hold on to</p> <p>23 that computer, not to throw it away. If you'd</p> <p>24 like, you can give it to your attorney, at some</p> <p>25 point; if I wanted to actually ask for a</p>
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<p>1 Brooks</p> <p>2 forensic sort of sweep of the computer to get</p> <p>3 those files, I'm going to put you on notice</p> <p>4 that I'd like to do that.</p> <p>5 Q Who else has heard the audio files, other</p> <p>6 than the individuals here?</p> <p>7 A Nobody.</p> <p>8 Q Did you ask any of the individuals who are</p> <p>9 on those recordings for the permission to</p> <p>10 record?</p> <p>11 A No.</p> <p>12 Q Other than what you had testified last</p> <p>13 time about Mr. Cooper, if you didn't ask for</p> <p>14 anyone's permission, did you tell them you were</p> <p>15 taping?</p> <p>16 A No.</p> <p>17 Q Other than what you testified with respect</p> <p>18 to Mr. Cooper, do you know if anybody else</p> <p>19 suspected that you were taping them or</p> <p>20 recording them at any time?</p> <p>21 A Say that again.</p> <p>22 Q Other than -- last time you testified that</p> <p>23 you said that you suspected Mr. Cooper knew</p> <p>24 that you were recording him; is that correct?</p> <p>25 A Yeah.</p>	<p>1 Brooks</p> <p>2 Q Other than him, did any of the individuals</p> <p>3 who appear on those audio recordings, do you</p> <p>4 believe that they suspected you were taping</p> <p>5 them?</p> <p>6 A No.</p> <p>7 Q So a number of these files that you</p> <p>8 produced are timed and date stamped.</p> <p>9 Do you know what I mean by that?</p> <p>10 A Yeah.</p> <p>11 Q And how do they get those stamps or</p> <p>12 identification marks?</p> <p>13 A The phone does it on its own.</p> <p>14 Q If I were to tell you that some of the</p> <p>15 audio files are not time and date stamped, what</p> <p>16 would be your understanding of the reason why</p> <p>17 that is?</p> <p>18 A I don't know.</p> <p>19 Q Did you record all of the audio files and</p> <p>20 videos that you've produced in the course of</p> <p>21 this litigation, did you record those all on</p> <p>22 the same phone?</p> <p>23 A Maybe not.</p> <p>24 Q Where else would you have recorded it?</p> <p>25 A I had different phones at different times.</p>

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<p>1 Brooks</p> <p>2 Q Okay. So other than the LG that you've</p> <p>3 already testified to, what other phones did you</p> <p>4 use to record any videos or audios recordings,</p> <p>5 excuse me, that's been produced in this</p> <p>6 litigation?</p> <p>7 A An LG phone. I was getting LG phones. I</p> <p>8 had two LG phones.</p> <p>9 Q Do you have either of those phones?</p> <p>10 A No.</p> <p>11 Q And what happened to the one that you</p> <p>12 didn't lose?</p> <p>13 A The other one got broken and it got</p> <p>14 misplaced. I don't know what happened to it.</p> <p>15 Q You brought a number of different claims</p> <p>16 in this lawsuit, Mr. Brooks. I'm going to walk</p> <p>17 you through some of them and ask what your</p> <p>18 understanding is with respect to the</p> <p>19 allegations that you've made.</p> <p>20 Turning your attention back to Mr. Cooper,</p> <p>21 what race is Mr. Cooper?</p> <p>22 A I don't know.</p> <p>23 Q If you were to take -- withdrawn.</p> <p>24 If you were to use your best estimate or</p> <p>25 your best understanding, what is your</p>	<p>1 Brooks</p> <p>2 understanding of what race he is?</p> <p>3 A Are you asking me to guess?</p> <p>4 Q I'm not asking to you guess. I'm saying,</p> <p>5 just based on your observations, what's your</p> <p>6 understanding of what race he is?</p> <p>7 A I don't know.</p> <p>8 Q I know you don't know definitively. But</p> <p>9 I'm asking you what's your understanding --</p> <p>10 A I know he's not Caucasian. And I'm not</p> <p>11 going to guess. I don't know what race he is.</p> <p>12 Q I'm not asking you to guess.</p> <p>13 A You are asking me to guess.</p> <p>14 Q No, Mr. Brooks. I don't think I've used</p> <p>15 the word. And I don't think I've asked you to</p> <p>16 guess.</p> <p>17 I said what is your best understanding?</p> <p>18 MS. O'CONNELL: Objection.</p> <p>19 A He's a light-skinned --</p> <p>20 Q I'm asking you to give an educated --</p> <p>21 A I don't know --</p> <p>22 Q He's a light-skin what?</p> <p>23 A He's a light-skinned individual.</p> <p>24 Q Last time you testified about certain</p> <p>25 instances that you believe you were</p>
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<p>1 Brooks</p> <p>2 discriminated against because of your race.</p> <p>3 In what ways do you claim Mr. Cooper</p> <p>4 discriminated against you based of your race?</p> <p>5 A He knew I was in a vulnerable situation,</p> <p>6 being homeless, being Black, just coming home</p> <p>7 from prison, being on parole, and he took</p> <p>8 advantage of that.</p> <p>9 Q And I asked you in what sense do you</p> <p>10 believe you were being discriminated,</p> <p>11 specifically by Mr. Cooper, against you, based</p> <p>12 on your race; what type of things did he do?</p> <p>13 MS. O'CONNELL: Objection.</p> <p>14 A He touched me.</p> <p>15 Q Other than the alleged -- the allegations</p> <p>16 that you made with respect to any sort of</p> <p>17 contact that Mr. Cooper, and you had with each</p> <p>18 other, what else, if anything, do you claim</p> <p>19 that he did or said that led you to believe</p> <p>20 that he was discriminating against you based on</p> <p>21 your race?</p> <p>22 MS. O'CONNELL: Objection.</p> <p>23 A He tried to use his position to violate</p> <p>24 me. He was trying to use, I guess, his</p> <p>25 position, his superior position as a means to</p>	<p>1 Brooks</p> <p>2 get what he wanted.</p> <p>3 He knew I needed my schedule changed, so</p> <p>4 he kind of tried to use that over my head.</p> <p>5 MR. BARTOLOMEO: I'm going to move to</p> <p>6 strike the last answer as nonresponsive. And</p> <p>7 I'll ask it again very clearly.</p> <p>8 Q Mr. Brooks, in what ways do you allege</p> <p>9 Mr. Cooper discriminated against you based on</p> <p>10 your race?</p> <p>11 And I'll just ask that you listen to the</p> <p>12 question and address that question</p> <p>13 specifically.</p> <p>14 MS. O'CONNELL: Objection.</p> <p>15 A I believe he did what he did because I was</p> <p>16 ^Black.</p> <p>17 Q And what did you say that he did.</p> <p>18 Are you referring to the incident on the</p> <p>19 21st?</p> <p>20 A Yeah, he used that as an intimidation</p> <p>21 tactic.</p> <p>22 Q That you're Black as an intimidation</p> <p>23 tactic?</p> <p>24 I don't understand. Can you clarify for</p> <p>25 us.</p>

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A He did what he did because I was black, in a vulnerable situation. And he used everything that he could to be intimidating.

Q Okay. And what facts do you have to support that Mr. Cooper discriminated against you based on your race?

A What facts do I have?

Q Yeah.

What facts do you have to support your allegations that Mr. Cooper discriminated against you based on your race?

A Well, I got a bunch of recordings and statements that I made immediately after the situation, so . . .

Q And what -- do you play in the recordings -- withdrawn.

So can you tell us anyone who is a different race than you that Mr. Cooper treated more favorably?

A I wasn't around him like that. He was not my peer. I wasn't around him. I only went to him when I had to.

Q So do you have any understanding that Mr. Cooper treated anybody more favorably or

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less favorably who is not black?

A I don't know.

Q In what ways do you claim the audio recordings support your allegation that Mr. Cooper discriminated against you based on your race?

A Well, a lot of different people knew Mr. Cooper's personality, and they described it on those audio recordings.

Q And I'm asking you specifically, you've made a very severe or significant claim against my client, Mr. Brooks.

And I just want to understand what do you say supports your allegation that Mr. Cooper discriminated against you based on your race, what on those recordings.

A I don't remember. I haven't listened to those audio recordings. I've been trying to put the audio recordings behind me. I've been trying not to think about it.

So I don't listen to it.

Q When was the last time you listened to the recordings, Mr. Brooks?

A I don't remember. I don't remember.

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Q Is there anything on the video that you've also produced in the course of this litigation that supports your claim that Mr. Cooper discriminated against you based on your race?

A I don't -- I don't recall any video or . . .

Q And just so the record is clear, is it your testimony, Mr. Brooks, that you don't have any recollection of what's on those recordings?

MS. O'CONNELL: Objection.

Q And I mean, sitting here today, is it your testimony that you currently have no recollection of what's on those recordings?

MS. O'CONNELL: Objection.

A Nope. No.

Q No what?

A No.

Q No what?

A I just don't know your specific question.

Q You brought a lawsuit. And are you -- just so I'm clear. You brought a lawsuit alleging discrimination among other allegations.

Is it your testimony today that you don't

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know what facts you have or information you have to support those allegations?

MS. O'CONNELL: Objections.

A No. I know that I was touched by a man, and it was not my will, and I got proof that he's like that. And I know that people that was in The Doe Fund also experienced his behavior, and that's what I recorded, period.

Q And you've said now multiple times you have "proof."

I'm just asking you to tell me what that proof is.

A That proof is that your client, Mr. Cooper, walked around sexually harassing people all day. And he was well-known for it. He did it for many years.

But me, he touched. And other than that, I don't know what you're asking me for.

Q Okay. Earlier today you've testified that you really didn't spend very much time at all with Mr. Cooper. And I'm paraphrasing obviously. But that you really didn't interact with him and you didn't see him much.

Do you recall giving that testimony?

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<p style="text-align: right;">Page 325</p> <p>1 Brooks</p> <p>2 MS. O'CONNELL: Objection.</p> <p>3 A I didn't tell you that I didn't see him</p> <p>4 much. I didn't hang out with him. We wasn't</p> <p>5 friends. We didn't socialize. When I had to</p> <p>6 interact with him, which was very rare, it was</p> <p>7 when I needed something.</p> <p>8 Q Okay.</p> <p>9 A When I needed something, that's it. I</p> <p>10 would see him around the building every day.</p> <p>11 Yes, I seen him around the building every day.</p> <p>12 I didn't interact with him every day, though.</p> <p>13 Q And who do you allege he also sexually</p> <p>14 harassed other than yourself?</p> <p>15 A I don't know who he sexually harass.</p> <p>16 Q It is correct that you just did say,</p> <p>17 Mr. Cooper -- you actually, said, I believe it</p> <p>18 was my client, walked around sexually harassing</p> <p>19 people all day. And I'm paraphrasing again.</p> <p>20 A That's what I said.</p> <p>21 Q And I'm asking you now, since you said</p> <p>22 that, who did he sexually harass other than</p> <p>23 yourself?</p> <p>24 A I don't know everybody in The Doe Fund. I</p> <p>25 don't know everybody in The Doe Fund by name.</p>	<p style="text-align: right;">Page 326</p> <p>1 Brooks</p> <p>2 I didn't socialize with everybody in The Doe</p> <p>3 Fund.</p> <p>4 I wasn't keeping a score of everybody that</p> <p>5 he was sexually harassing. I was not doing</p> <p>6 that. But I heard him speaking to people all</p> <p>7 the time and saying jokes and comments that</p> <p>8 were sexual in nature.</p> <p>9 Was I watching who he was talking to, no,</p> <p>10 that's not my type of scene.</p> <p>11 But there are people on the recordings</p> <p>12 that have said that he spoke to them in that</p> <p>13 manner as well.</p> <p>14 It was about six guys at one time that was</p> <p>15 like, yeah, he did that to me. Yeah, he did</p> <p>16 that to me. Yo, I almost punched Terry in the</p> <p>17 face because he said this to me, yeah.</p> <p>18 Q Were any of those individuals employees of</p> <p>19 The Doe Fund?</p> <p>20 A We all worked for The Doe Fund. We were</p> <p>21 on the street crew.</p> <p>22 Q Have you ever heard the term "trainee"?</p> <p>23 A Yeah, I heard the term "trainee."</p> <p>24 Q And where did you hear that?</p> <p>25 A Where did I hear that?</p>
<p style="text-align: right;">Page 327</p> <p>1 Brooks</p> <p>2 I mean, I've heard it. I've 41 years old.</p> <p>3 I've heard the term.</p> <p>4 Q I'm not trying to be difficult here.</p> <p>5 But in terms in connection with The Doe</p> <p>6 Fund, have you heard the term "trainee" used?</p> <p>7 A Yes.</p> <p>8 Q What is your understanding of what a</p> <p>9 trainee is at The Doe Fund?</p> <p>10 A A trainee is a person that's working on</p> <p>11 the street crew.</p> <p>12 Q Does it cover any of the jobs at -- excuse</p> <p>13 me, any of the employment -- withdrawn.</p> <p>14 Mr. Washington, James Washington, did you</p> <p>15 ever see Mr. Cooper sexually harass</p> <p>16 Mr. Washington?</p> <p>17 A No, I did not.</p> <p>18 Q What about Mr. Wiggins; did you ever see</p> <p>19 Mr. Cooper sexually harass Mr. Wiggins?</p> <p>20 A No, I did not.</p> <p>21 Q What about Dash Porter?</p> <p>22 A No, I did not.</p> <p>23 Q What about Mr. Holly?</p> <p>24 A I don't recall.</p> <p>25 Q Mr. Bell?</p>	<p style="text-align: right;">Page 328</p> <p>1 Brooks</p> <p>2 A I didn't meet him until Mr. Cooper was</p> <p>3 gone.</p> <p>4 Q Mr. Stevens?</p> <p>5 A I don't know.</p> <p>6 Q Which gender is Terry; is he a male or</p> <p>7 female?</p> <p>8 MS. O'CONNELL: Objection.</p> <p>9 Q What is your understanding, Mr. Brooks, of</p> <p>10 what Mr. Cooper's gender is?</p> <p>11 A He's a male.</p> <p>12 Q In what ways do you claim Mr. Cooper</p> <p>13 discriminated against you based on your gender?</p> <p>14 MS. O'CONNELL: Objection.</p> <p>15 A He was trying to force me to do something</p> <p>16 that was against my will.</p> <p>17 Q When you say that, are you referring to</p> <p>18 the allegation you made about the incidents</p> <p>19 that occurred?</p> <p>20 A Yeah, I'm not a homosexual, and he tried</p> <p>21 to force me to do a homosexual act.</p> <p>22 Q In what ways did he try to force you to do</p> <p>23 a homosexual act?</p> <p>24 A By touching me.</p> <p>25 Q Did he ask that you touch him?</p>

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<p>1 Brooks</p> <p>2 A He did not.</p> <p>3 Q And other than the specific allegations,</p> <p>4 are you -- do you have -- withdrawn.</p> <p>5 Other than the testimony you just gave, is</p> <p>6 there anything else that you claim Mr. Cooper</p> <p>7 did that discriminated against you based on</p> <p>8 your gender?</p> <p>9 MS. O'CONNELL: Objection.</p> <p>10 A I don't remember</p> <p>11 Q You can't remember what?</p> <p>12 A I can't remember if he did something else.</p> <p>13 Q Sitting here today, do you have any proof</p> <p>14 of any other things Mr. Cooper did or you</p> <p>15 allege Mr. Cooper did that discriminated</p> <p>16 against you based on your gender?</p> <p>17 MS. O'CONNELL: Objection.</p> <p>18 A I can't remember.</p> <p>19 Q And I think this is probably a good time</p> <p>20 to mark as an exhibit -- I believe we're at 10.</p> <p>21 I'm going to pass to you, in a moment, a copy</p> <p>22 of what's been marked -- will be marked, as</p> <p>23 Exhibit 10 for identification.</p> <p>24 It's a copy of the responses and</p> <p>25 objections to defendant's first set of</p>	<p>1 Brooks</p> <p>2 interrogatories that were produced today.</p> <p>3 Your attorney has indicated that the</p> <p>4 interrogatories contain some additional</p> <p>5 information, and which she believes to be in</p> <p>6 the first four or five questions and responses.</p> <p>7 MS. O'CONNELL: Can we go off the record</p> <p>8 for a second?</p> <p>9 MS. O'CONNELL: Sure.</p> <p>10 (Recess taken.)</p> <p>11 (Deposition Exhibit 10, Document Entitled</p> <p>12 "Plaintiff's Responses and Objections to</p> <p>13 Defendants' First Set of Interrogatories,"</p> <p>14 marked for identification as of this date.)</p> <p>15 BY MR. BARTOLOMEO:</p> <p>16 Q I'm going to present to you now what's</p> <p>17 been marked for identification as Plaintiff's</p> <p>18 Exhibit No. 10. I think your attorney was</p> <p>19 going to make a quick statement on the record</p> <p>20 about Exhibit 10.</p> <p>21 MS. O'CONNELL: We're willing to stipulate</p> <p>22 that we've made changes to Interrogatories 1, 4</p> <p>23 and 5.</p> <p>24 MR. BARTOLOMEO: And is it just correct,</p> <p>25 Counsel, that everything else in there is the</p>
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<p>1 Brooks</p> <p>2 same, other than those three responses?</p> <p>3 MS. O'CONNELL: Everything else has been</p> <p>4 unchanged besides those three.</p> <p>5 MR. BARTOLOMEO: Okay, great.</p> <p>6 BY MR. BARTOLOMEO:</p> <p>7 Q Mr. Brooks, earlier today you testified</p> <p>8 that you reviewed interrogatories.</p> <p>9 These are interrogatories now before you</p> <p>10 that are the ones you reviewed?</p> <p>11 A Yes.</p> <p>12 Q And is that -- if you turn your attention</p> <p>13 to the last page, I believe it's Page 21; is</p> <p>14 that your signature on the last page?</p> <p>15 A Yes, that's my signature.</p> <p>16 Q And that indicates that you're declaring,</p> <p>17 under penalty of perjury, that you reviewed</p> <p>18 those responses that are now sitting before</p> <p>19 you, as Plaintiff Exhibit 10, and that they are</p> <p>20 all true, accurate and correct, to the best of</p> <p>21 your knowledge?</p> <p>22 A Yes, they are true and accurate to the</p> <p>23 best of my knowledge.</p> <p>24 Q If you don't mind just turning your</p> <p>25 attention to Interrogatory No. 9. It is on</p>	<p>1 Brooks</p> <p>2 Page 11.</p> <p>3 Do you see that question and response</p> <p>4 there?</p> <p>5 Do you see the question and answer as</p> <p>6 titled "Interrogatory No. 9"?</p> <p>7 Yes or no.</p> <p>8 A Yeah, I can see it.</p> <p>9 Q And the question reads: Identify each</p> <p>10 person -- and I'm paraphrasing again -- who you</p> <p>11 claimed discriminated against you based upon</p> <p>12 your race and/or status of being previously</p> <p>13 convicted. And identify each document which</p> <p>14 relates to supports or refutes this allegation.</p> <p>15 In response, your response indicates that</p> <p>16 (As read): "Plaintiff states in addition to</p> <p>17 each person listed in Rule 26(a) Disclosures,</p> <p>18 you also add Doe Fund House Manager Stevens."</p> <p>19 I'm going to ask you, other than the</p> <p>20 claims you made against Mr. Cooper, and how he</p> <p>21 alleged discriminated against you based on your</p> <p>22 race, in what ways did Mr. Washington, or do</p> <p>23 you claim Mr. Washington discriminated against</p> <p>24 you based on our race?</p> <p>25 A Because I feel like Mr. Washington, as</p>

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<p>1 Brooks</p> <p>2 well as others, would not have treated me in</p> <p>3 the same regard had I been of another race.</p> <p>4 Q In what way do you claim that Mr. Stevens</p> <p>5 discriminated against you based on our race?</p> <p>6 A For the same reason.</p> <p>7 Q And I believe you just said that they</p> <p>8 wouldn't have treated you the same way, if you</p> <p>9 were from another race?</p> <p>10 A Yes.</p> <p>11 Q In what way did they treat you?</p> <p>12 A They were hostile towards me, and they</p> <p>13 were doing things to try to get me kicked out</p> <p>14 of my shelter situation.</p> <p>15 Q And you're claiming those things</p> <p>16 occurred -- withdrawn.</p> <p>17 Are you claiming those things occurred</p> <p>18 before or after the alleged incident with</p> <p>19 Mr. Cooper?</p> <p>20 A Yeah, it happened after I made the</p> <p>21 complaint about what Mr. Cooper did.</p> <p>22 Q In what ways do you claim</p> <p>23 Mr. Paul Washington discriminated against you</p> <p>24 based on your race?</p> <p>25 A Paul Washington never discriminated</p>	<p>1 Brooks</p> <p>2 against me.</p> <p>3 Q Based on your race?</p> <p>4 Based on your race?</p> <p>5 You said he never discriminated against</p> <p>6 you?</p> <p>7 A Paul Washington didn't have nothing to do</p> <p>8 with none of that.</p> <p>9 Q So Mr. Paul Washington -- just so the</p> <p>10 testimony -- the record is clear, is it your</p> <p>11 now testimony that Mr. Paul Washington did not</p> <p>12 discriminate against you, in any way, based on</p> <p>13 anything?</p> <p>14 Is that correct, Mr. Brooks?</p> <p>15 A Does Paul Washington work for The Doe</p> <p>16 Fund?</p> <p>17 Q Mr. Brooks, I'm entitled to be asking the</p> <p>18 questions today, and you're here to give</p> <p>19 testimony.</p> <p>20 So I asked you a question, would you</p> <p>21 please answer the question. If you need me to</p> <p>22 repeat it, I will.</p> <p>23 A No, Paul Washington doesn't work for The</p> <p>24 Doe Fund. Paul Washington is somebody that I</p> <p>25 went to.</p>
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<p>1 Brooks</p> <p>2 Q And I understand that, Mr. Brooks.</p> <p>3 And I'm asking you, are claiming that</p> <p>4 Mr. Paul Washington discriminated against you</p> <p>5 in any way?</p> <p>6 A No.</p> <p>7 Q You see Ms. Gilmore is here, correct?</p> <p>8 A Yeah.</p> <p>9 Q Okay. In what ways did Ms. Gilmore</p> <p>10 discriminate against you based on your race?</p> <p>11 MS. O'CONNELL: Objection.</p> <p>12 Q Do you remember the question?</p> <p>13 A I can't remember the interaction I had</p> <p>14 with Ms. Gilmore.</p> <p>15 Q What facts do you have to support your</p> <p>16 allegations that Ms. Gilmore discriminated</p> <p>17 against you based on our race?</p> <p>18 MS. O'CONNELL: Objection.</p> <p>19 A I have no recollection of our interaction</p> <p>20 at all.</p> <p>21 Q That wasn't my question.</p> <p>22 My question is: What facts do you have to</p> <p>23 support your allegation that Ms. Gilmore</p> <p>24 discriminated against you based on your race?</p> <p>25 A I don't know I. Don't remember.</p>	<p>1 Brooks</p> <p>2 Q You don't remember how she discriminated</p> <p>3 against against you, correct?</p> <p>4 A I don't remember.</p> <p>5 Q Do you remember any way in which you</p> <p>6 allege -- withdrawn.</p> <p>7 What facts do you have to support any of</p> <p>8 the allegations that you've made that</p> <p>9 Ms. Gilmore discriminated against you?</p> <p>10 MS. O'CONNELL: Objection.</p> <p>11 A I don't recall.</p> <p>12 Q Do you have any understanding of how she</p> <p>13 discriminated against you based on your gender?</p> <p>14 A I don't recall.</p> <p>15 Q And what about your conviction status?</p> <p>16 A I don't recall.</p> <p>17 Q Your ethnicity?</p> <p>18 A I don't recall.</p> <p>19 MS. O'CONNELL: Objection.</p> <p>20 Q What's Ms. Gilmore's race, to the best of</p> <p>21 your understanding?</p> <p>22 A I don't know.</p> <p>23 Q You can see her sitting here today?</p> <p>24 A Yes.</p> <p>25 Q And what's your understanding of what her</p>

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<p>1 Brooks</p> <p>2 race she?</p> <p>3 A I don't know.</p> <p>4 MS. O'CONNELL: Objection.</p> <p>5 A I don't know.</p> <p>6 Q You've named a number of other individuals</p> <p>7 that you claimed discriminated against you</p> <p>8 based on your race -- excuse me, based on your</p> <p>9 gender.</p> <p>10 Mr. Wiggins, how did he discriminate</p> <p>11 against you based on your gender?</p> <p>12 MS. O'CONNELL: Objection.</p> <p>13 A I don't recall.</p> <p>14 Q And Mr. Porter, how did he discriminate</p> <p>15 against you based on your gender?</p> <p>16 MS. O'CONNELL: Objection.</p> <p>17 A I don't recall.</p> <p>18 MR. BARTOLOMEO: And, Counsel, what are</p> <p>19 your objections for?</p> <p>20 MS. O'CONNELL: My client can't testimony</p> <p>21 to legal opinions. You're asking for the</p> <p>22 reasons why he was subject to discrimination.</p> <p>23 MR. BARTOLOMEO: In what way is asking him</p> <p>24 about allegations that he's made about being</p> <p>25 discriminated against, in what way does that</p>	<p>1 Brooks</p> <p>2 call for a legal opinion?</p> <p>3 MS. O'CONNELL: Because he may not</p> <p>4 completely understand every legal aspect of</p> <p>5 discrimination, why that would be.</p> <p>6 MR. BARTOLOMEO: And I'm not asking him to</p> <p>7 write a brief. I'm asking him what is his</p> <p>8 basis of understanding that he believes he was</p> <p>9 discriminated against.</p> <p>10 MS. O'CONNELL: We're just preserving ou</p> <p>11 objections for the record.</p> <p>12 MR. BARTOLOMEO: Okay.</p> <p>13 BY MR. BARTOLOMEO:</p> <p>14 Q In what way do you believe you were</p> <p>15 treated differently by Mr. Wiggins based upon</p> <p>16 your gender?</p> <p>17 A Well, because I made a complaint about a</p> <p>18 sexual assault, I believe I was treated</p> <p>19 differently.</p> <p>20 Q And you based that on the fact that --</p> <p>21 you're saying that he treated you differently</p> <p>22 because of the complaint.</p> <p>23 Is there anything having to do with your</p> <p>24 gender that you believed Mr. Wiggins treated</p> <p>25 you differently?</p>
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<p>1 Brooks</p> <p>2 A Well, I was assaulted because of my</p> <p>3 gender. I was assaulted because of my gender.</p> <p>4 I was assaulted verbally and physically because</p> <p>5 of my gender.</p> <p>6 I was told that -- I like to be chained</p> <p>7 down, whipped and things like that by your</p> <p>8 client, Mr. Cooper, and that was because of my</p> <p>9 gender.</p> <p>10 And after I wrote, informing The Doe Fund</p> <p>11 of what had transpired between me and your</p> <p>12 client, they decided to retaliate against me.</p> <p>13 And Mr. Wiggins was one of those people, as</p> <p>14 well as Mr. Stevens, as well as</p> <p>15 Mr. James Washington, as well as</p> <p>16 Timothy Matthews, as well as Eric.</p> <p>17 Q As well as who?</p> <p>18 A Eric.</p> <p>19 Q Who's Eric?</p> <p>20 A Eric was the head security guard at the</p> <p>21 facility.</p> <p>22 And all this transpired because of my</p> <p>23 gender.</p> <p>24 Q So other than the allegations of being</p> <p>25 treated differently after you made the</p>	<p>1 Brooks</p> <p>2 complaint about the alleged incident on the</p> <p>3 21st, was there anything that you believed</p> <p>4 Mr. Wiggins did to treat you differently</p> <p>5 because of your gender?</p> <p>6 A You said other than the incident?</p> <p>7 Q Yeah.</p> <p>8 You just said, and you've testified a</p> <p>9 number of times that things changed and people</p> <p>10 treated you differently after you made this</p> <p>11 complaint; is that correct?</p> <p>12 A That's correct.</p> <p>13 Q I'm asking, was there anything else, other</p> <p>14 than those circumstances that you described,</p> <p>15 that you believe Mr. Wiggins did on the basis</p> <p>16 of your gender; in what ways did he treat you</p> <p>17 differently based on your gender?</p> <p>18 A Well, what he did is, he started pulling</p> <p>19 me off the buses and started screwing around</p> <p>20 with my work situation.</p> <p>21 Q This was after you made the complaint?</p> <p>22 A This is after I made the complaint.</p> <p>23 Q Before you made the complaint --</p> <p>24 A Before I made the complaint I never met</p> <p>25 the man.</p>

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<p>1 Brooks</p> <p>2 Q And Mr. Wiggins, he's a man; is that</p> <p>3 correct?</p> <p>4 A Yeah.</p> <p>5 Q And is it your testimony that Mr. Wiggins</p> <p>6 treated you differently because you're a man?</p> <p>7 A Not only because I'm a man, because of the</p> <p>8 whole situation.</p> <p>9 Q And, again, I'm asking you a very specific</p> <p>10 question. I believe it calls for a yes-or-no</p> <p>11 answer. To the extent you need to explain</p> <p>12 more, that's fine.</p> <p>13 But I'm asking you: Do you believe</p> <p>14 Mr. Wiggins treated you differently because you</p> <p>15 were a man?</p> <p>16 A Yes.</p> <p>17 Q And other than what you've already</p> <p>18 testified to, in what other ways did he do</p> <p>19 that?</p> <p>20 A Well, he was making threats.</p> <p>21 Q And what kind of threats did Mr. Wiggins</p> <p>22 make?</p> <p>23 A Well, he was making direct threats. He</p> <p>24 was telling me about how bad he is on the</p> <p>25 street. How he kick ass in The Doe Fund and</p>	<p>1 Brooks</p> <p>2 out of The Doe Fund, from the west side of</p> <p>3 Harlem to the east side of Harlem. I happen to</p> <p>4 be from Harlem.</p> <p>5 Q And why did you perceive those as threats?</p> <p>6 A Because he was saying it directly to me.</p> <p>7 Q Was anybody else standing with you?</p> <p>8 A Was there --</p> <p>9 A Anybody else present?</p> <p>10 MS. O'CONNELL: Objection.</p> <p>11 A I don't recall.</p> <p>12 A Somebody else was in the room, but I don't</p> <p>13 recall who it was.</p> <p>14 This is when I was trying to get my</p> <p>15 schedule. And I was told that I had to see</p> <p>16 Mr. Wiggins for my schedule. And this is when</p> <p>17 I went into the room, he started telling me</p> <p>18 things and making threats. I don't remember</p> <p>19 everything that he said, but he made -- well,</p> <p>20 he was saying I was fucking up. And that's</p> <p>21 when all the threats and stuff came in.</p> <p>22 Q Mr. Porter -- withdrawn.</p> <p>23 Is there anything other than just your</p> <p>24 personal opinion that gives you the reason to</p> <p>25 believe that Mr. Wiggins treated you</p>
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<p>1 Brooks</p> <p>2 differently because of your gender?</p> <p>3 A I don't recall.</p> <p>4 Q Isn't it true that there were no females</p> <p>5 that were treated better than you by</p> <p>6 Mr. Wiggins?</p> <p>7 A I don't recall. It was a male facility.</p> <p>8 It was very few females around.</p> <p>9 Q So when you say "male</p> <p>10 facility" -- withdrawn.</p> <p>11 Other than Ms. Gilmore, how many other</p> <p>12 females -- withdrawn.</p> <p>13 At your particular facility, how many</p> <p>14 females were there?</p> <p>15 A I don't really recall. I know I seen</p> <p>16 around, maybe three. I don't recall. And they</p> <p>17 were workers and they were in and out. They</p> <p>18 had offices and whatever.</p> <p>19 Q When you say "workers," that means they</p> <p>20 weren't clients of The Doe Fund, they weren't</p> <p>21 residents; Is that correct?</p> <p>22 A No, they weren't residents.</p> <p>23 Q Were any of the residents female?</p> <p>24 A None of the residents were females.</p> <p>25 Q And, you know, Mr. Porter, you've also</p>	<p>1 Brooks</p> <p>2 claimed that he discriminated against you -- he</p> <p>3 also treated you differently based on your</p> <p>4 gender.</p> <p>5 In what ways, other than what you told us</p> <p>6 about today already, with respect to the things</p> <p>7 that happened after the incident, in what ways</p> <p>8 do you claim Mr. Porter treated you differently</p> <p>9 based on your gender?</p> <p>10 MS. O'CONNELL: Objection.</p> <p>11 A I don't recall.</p> <p>12 MR. BARTOLOMEO: Off the record.</p> <p>13 (Recess taken.)</p> <p>14 BY MR. BARTOLOMEO:</p> <p>15 Q You claimed that Hanson discriminated</p> <p>16 against you based on your race; is that</p> <p>17 correct?</p> <p>18 A I don't recall.</p> <p>19 Q You don't recall whether or not you</p> <p>20 brought a claim against Mr. Hanson for</p> <p>21 discriminating against you based on your race?</p> <p>22 A Yeah, I don't recall.</p> <p>23 MS. O'CONNELL: Ms. Hanson.</p> <p>24 A I don't recall.</p> <p>25 Q What facts do you have to support that</p>

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<p>1 Brooks</p> <p>2 Ms. Hanson discriminated against you based on</p> <p>3 your race?</p> <p>4 MS. O'CONNELL: Objection.</p> <p>5 A I don't recall.</p> <p>6 Q And what facts do you have to support that</p> <p>7 Ms. Hanson treated you differently because of</p> <p>8 your race?</p> <p>9 A I don't recall.</p> <p>10 Q Isn't it true your only basis is your</p> <p>11 opinion?</p> <p>12 MS. O'CONNELL: Objection.</p> <p>13 A I don't believe so.</p> <p>14 Q Excuse me?</p> <p>15 A I don't believe so.</p> <p>16 Q You don't believe what?</p> <p>17 A That's my only basis is my opinion. I</p> <p>18 have several recordings and facts.</p> <p>19 Q Okay. So I just asked you what facts do</p> <p>20 you have to support that Ms. Hanson</p> <p>21 discriminated against you based on your race?</p> <p>22 A I don't recall everything that's in those</p> <p>23 recordings.</p> <p>24 Q I'm not asking you to recall everything,</p> <p>25 Mr. Brooks.</p>	<p>1 Brooks</p> <p>2 I'm asking you what, to the best of your</p> <p>3 knowledge, sitting here today, what facts do</p> <p>4 you have to support that Ms. Hanson treated you</p> <p>5 differently because of your race?</p> <p>6 MS. O'CONNELL: Objection.</p> <p>7 A I don't recall.</p> <p>8 Q Isn't it true that Ms. Hanson did not</p> <p>9 treat females better than you?</p> <p>10 A I don't know.</p> <p>11 Q You don't know?</p> <p>12 A No.</p> <p>13 Q I'm sorry, could you speak up?</p> <p>14 A No.</p> <p>15 Q And Mr. Porter, what facts do you have to</p> <p>16 support that Mr. Porter treated you differently</p> <p>17 based on your race?</p> <p>18 MS. O'CONNELL: Objection.</p> <p>19 A I don't recall.</p> <p>20 Q Is there any other basis for your</p> <p>21 allegation that Mr. Porter treated you</p> <p>22 differently based on your race other than your</p> <p>23 opinion?</p> <p>24 Mr. Brooks?</p> <p>25 A Yeah, I don't recall.</p>
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<p>1 Brooks</p> <p>2 Q What is the -- what facts do you have to</p> <p>3 support that Mr. Bell treated you differently</p> <p>4 based on your race?</p> <p>5 MS. O'CONNELL: Objection.</p> <p>6 Q Mr. Brooks, are you awake?</p> <p>7 A I am awake.</p> <p>8 Q Because your eyes are closed, that's why</p> <p>9 I'm asking.</p> <p>10 A Yeah, I'm starting to get a headache.</p> <p>11 Q Why don't we take a moment.</p> <p>12 A I don't need a moment. Let's get to it.</p> <p>13 Q So I just ask, if you could, to the best</p> <p>14 of your knowledge, tell me what facts you have</p> <p>15 to support that Mr. Bell treated you</p> <p>16 differently because of your race?</p> <p>17 A Well, I don't recall, but I do remember,</p> <p>18 Mr. Bell writing me up for no call no show, and</p> <p>19 it wasn't correct.</p> <p>20 So I felt that that was wrong. I didn't</p> <p>21 feel he would do that in a situation where I</p> <p>22 was different, from another race or not being</p> <p>23 in a shelter and having financial problems at</p> <p>24 the time, so . . .</p> <p>25 Q And what race is Mr. Bell?</p>	<p>1 Brooks</p> <p>2 A I don't know.</p> <p>3 Q What's his complexion?</p> <p>4 A He's light skin.</p> <p>5 Q Is he Caucasian?</p> <p>6 A He is not Caucasian.</p> <p>7 Q Do you know if he's Hispanic?</p> <p>8 A I don't know if he's Hispanic or not.</p> <p>9 Q Have have you heard Mr. Bell speak Spanish</p> <p>10 at any time?</p> <p>11 A I don't recall.</p> <p>12 Q Mr. Porter, what race is he?</p> <p>13 A I don't know.</p> <p>14 Q What complexion is he?</p> <p>15 A Brown skin.</p> <p>16 Q And Ms. Hanson, what race is she?</p> <p>17 A I don't know.</p> <p>18 Q And what's her complexion?</p> <p>19 A I don't recall.</p> <p>20 Q And you've alleged that a number of</p> <p>21 individuals have also discriminated against</p> <p>22 you -- excuse me, that have treated you</p> <p>23 differently based on your gender.</p> <p>24 We've talked about Mr. Cooper and</p> <p>25 Mr. James Washington and Mr. Wiggins.</p>

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<p style="text-align: right;">Page 349</p> <p>1 Brooks</p> <p>2 Mr. Porter, in what ways did Mr. Porter</p> <p>3 treat you differently based on your gender?</p> <p>4 A I don't recall that.</p> <p>5 Q And when I say, "Mr. Porter," is that</p> <p>6 correct that he's a male?</p> <p>7 It's a yes-or-no question, Mr. Brooks.</p> <p>8 A Yes.</p> <p>9 Q And Ms. Gilmore, is Ms. Gilmore a male or</p> <p>10 female?</p> <p>11 A Female.</p> <p>12 Q And Ms. Hanson is also female; is that</p> <p>13 correct?</p> <p>14 A I'm assuming so. Being that you're saying</p> <p>15 "Ms."</p> <p>16 Q Okay. Well, you are the one that met</p> <p>17 Ms. Hanson.</p> <p>18 What is your understanding of whether</p> <p>19 she's male or female?</p> <p>20 A Ms. Hanson, I'm assuming is a female.</p> <p>21 Q I don't want you to assume. I'm just</p> <p>22 asking you to the best of your knowledge?</p> <p>23 A Female.</p> <p>24 Q In what ways did Ms. Hanson treat you</p> <p>25 differently based upon your gender?</p>	<p style="text-align: right;">Page 350</p> <p>1 Brooks</p> <p>2 A I don't recall.</p> <p>3 Q And Mr. Holly, is that a male as well?</p> <p>4 A Yes.</p> <p>5 Q And in what ways did Mr. Holly treat you</p> <p>6 differently based on your gender?</p> <p>7 A I can't recall.</p> <p>8 Q Mr. Bell is also a male, correct?</p> <p>9 A Yes.</p> <p>10 Q And Mr. Bell, in what ways did he treat</p> <p>11 you differently based upon your gender?</p> <p>12 A I can't recall.</p> <p>13 Q Mr. Stevens, in what ways did Mr. Stevens</p> <p>14 treat you differently based upon your gender?</p> <p>15 A Mr. Stevens was harassing me. Ringing the</p> <p>16 keys and banging on the door when I was</p> <p>17 sleeping.</p> <p>18 And his ^anonymity for me spawned out of</p> <p>19 the fact that I wrote a sexual harassment</p> <p>20 report on his coworker.</p> <p>21 Q What part of what you just told us was</p> <p>22 because you -- what part of what you just</p> <p>23 testified to do you allege Mr. Stevens did</p> <p>24 because of your gender?</p> <p>25 A It was based on my gender. I was</p>
<p style="text-align: right;">Page 351</p> <p>1 Brooks</p> <p>2 assaulted because of my gender.</p> <p>3 Q I understand the allegations that you've</p> <p>4 made against Mr. Cooper.</p> <p>5 What I'm saying right now, Mr. Stevens,</p> <p>6 what did he do to treat you differently because</p> <p>7 of your gender?</p> <p>8 A I just told you earlier that he was</p> <p>9 banging on my door and keeping me awake when I</p> <p>10 needed to be sleep for work.</p> <p>11 Q Did you ever see him do that with anybody</p> <p>12 else?</p> <p>13 A No, he did not.</p> <p>14 Q What time did he bang on your door?</p> <p>15 A Every morning.</p> <p>16 Q At what time?</p> <p>17 A Around seven o'clock, something like that.</p> <p>18 Q Isn't it true that The Doe Fund, the</p> <p>19 residence requires you -- has a curfew at a</p> <p>20 certain hour and wake up at a certain time?</p> <p>21 A Yeah. That's for people that don't</p> <p>22 have -- I have last passes. I worked</p> <p>23 overnight. And so I'm able to stay in and</p> <p>24 sleep, and you knew that. He was aware of</p> <p>25 that. All the staff knew that.</p>	<p style="text-align: right;">Page 352</p> <p>1 Brooks</p> <p>2 I work overnight. I get in around</p> <p>3 two o'clock in the morning. Take a shower.</p> <p>4 I'm in bed around 3:00. He comes banging on</p> <p>5 the door at 7:00, you know, and jingling his</p> <p>6 keys to keep me awake. So I would usually have</p> <p>7 to leave the facility because I couldn't sleep,</p> <p>8 with him coming back and forth.</p> <p>9 And I'd be tried while I was on -- at</p> <p>10 work. And I had a job that was dangerous. I</p> <p>11 was driving a forklift. Sometimes I was</p> <p>12 falling asleep on the forklift.</p> <p>13 Q Is there -- is it your testimony that</p> <p>14 there's an exception to the rule that everybody</p> <p>15 must be up at 7:00 a.m. when you worked late in</p> <p>16 the night?</p> <p>17 A There's an exception to the rule?</p> <p>18 That is the policy, when you would have a</p> <p>19 late night pass, you get to sleep in. When you</p> <p>20 have a late night job, you get to sleep in.</p> <p>21 And that's in every shelter.</p> <p>22 Q And Mr. Stevens, that's a male, correct?</p> <p>23 A Yes, he is.</p> <p>24 Q And is he, Mr. Stevens, is it your</p> <p>25 understanding -- withdrawn.</p>

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<p>1 Brooks</p> <p>2 Do you have an understanding of what</p> <p>3 Mr. Stevens' job was?</p> <p>4 A House manager.</p> <p>5 Q And house manager, is it part of their job</p> <p>6 to wake everybody up?</p> <p>7 A I don't know. I don't know his job</p> <p>8 description.</p> <p>9 Q And did you have roommates at the time, at</p> <p>10 the time you claim Mr. Stevens was banging on</p> <p>11 the door and jingling key?</p> <p>12 A Yes.</p> <p>13 Q Did those roommates all have the ability</p> <p>14 to sleep in, as you're describing?</p> <p>15 A I don't know.</p> <p>16 Q Did you talk to your roommates at all?</p> <p>17 A Very rarely.</p> <p>18 Q Were they the same individuals?</p> <p>19 A Not all the time.</p> <p>20 Q What were their names?</p> <p>21 A I don't know.</p> <p>22 Q How long did you share a room with these</p> <p>23 individuals?</p> <p>24 A I don't remember.</p> <p>25 Q You also make allegations in this case</p>	<p>1 Brooks</p> <p>2 that based upon your conviction status that you</p> <p>3 were treated differently.</p> <p>4 You've also made allegations that based</p> <p>5 upon your conviction status, people treated you</p> <p>6 less favorable; is that correct?</p> <p>7 A I believe so.</p> <p>8 Q In what ways did Mr. Cooper treat you less</p> <p>9 favorably based on your conviction status?</p> <p>10 A By assaulting me.</p> <p>11 Q Other than what you claim was an assault,</p> <p>12 Mr. Brooks, is there anything else that you</p> <p>13 claim Mr. Cooper did to treat you differently</p> <p>14 because of your conviction status?</p> <p>15 A By talking to me in a sexual manner.</p> <p>16 Q And are these the same -- withdrawn.</p> <p>17 Are these the same comments you told us</p> <p>18 about today and last week?</p> <p>19 A I believe I wrote it in my complaint.</p> <p>20 Q I understand.</p> <p>21 But I'm asking with respect to the</p> <p>22 deposition testimony you gave, is there</p> <p>23 anything else in addition to what you already</p> <p>24 told us that you believe Mr. Cooper said, and</p> <p>25 he did so based upon your conviction status?</p>
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<p>1 Brooks</p> <p>2 MS. O'CONNELL: Objection.</p> <p>3 A I don't recall.</p> <p>4 Q Are you aware of whether -- withdrawn.</p> <p>5 Do you know if Mr. Cooper has ever been</p> <p>6 convicted of a crime?</p> <p>7 A No, I don't.</p> <p>8 Q Can you tell me anyone who you believe</p> <p>9 Mr. Cooper treated differently than you</p> <p>10 because -- withdrawn.</p> <p>11 Can you tell me anyone that Mr. Cooper</p> <p>12 treated more favorably than you because they</p> <p>13 had a different conviction status?</p> <p>14 A I don't know.</p> <p>15 Q Mr. James Washington, how did --</p> <p>16 Mr. James Washington, what facts do you have to</p> <p>17 support that Mr. James Washington treated you</p> <p>18 differently based upon your conviction status?</p> <p>19 A Because I came to him with an issue, and</p> <p>20 he didn't uphold me. He actually did things</p> <p>21 that made my situation worse.</p> <p>22 Q What things?</p> <p>23 A And none of this could have been</p> <p>24 accomplished if I wasn't -- hadn't been</p> <p>25 convicted of a crime and wasn't in his care.</p>	<p>1 Brooks</p> <p>2 Q Are you saying as a result of you being</p> <p>3 convicted of a crime you were forced to be</p> <p>4 under his care?</p> <p>5 A That's not what I said.</p> <p>6 Q Okay. So explain to me what you said,</p> <p>7 then, because I didn't understand?</p> <p>8 A I said he was a director and I went to him</p> <p>9 with an issue. That issue got blown up.</p> <p>10 People found out about it that wasn't supposed</p> <p>11 to know about it. And then I was treated</p> <p>12 harshly in his facility that he was head of.</p> <p>13 And I went to tell and told him about that as</p> <p>14 well, and it never stopped.</p> <p>15 Q When you said there was an issue, what</p> <p>16 issue was that?</p> <p>17 A The issue of Mr. Cooper touching me and</p> <p>18 sexually harassing me. The issue of me being</p> <p>19 pulled over -- pulled out of buses when I was</p> <p>20 on my way to work. The issues with me being,</p> <p>21 you know, waken up while I was resting for</p> <p>22 work. I went to him with several issues;</p> <p>23 issues of me getting a pass and then coming in</p> <p>24 and having to sit in a room for hours, not</p> <p>25 being able to go to my bed. When I got direct</p>

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<p>1 Brooks</p> <p>2 permission from Mr. Washington himself. It's</p> <p>3 issues like that that I felt I was being</p> <p>4 targeted because of my conviction. And not</p> <p>5 only just because of my conviction, because I</p> <p>6 wrote a statement against a fellow coworker of</p> <p>7 his.</p> <p>8 Q Other than what you already told me, is</p> <p>9 there anything else that you say that supports</p> <p>10 your claim that Mr. Washington treated you</p> <p>11 differently because of your conviction status?</p> <p>12 A Not that I could recall.</p> <p>13 Q And Mr. Wiggins, you've also claimed he</p> <p>14 treated you differently based on your</p> <p>15 conviction status.</p> <p>16 What facts do you have to support that</p> <p>17 complaint?</p> <p>18 A Because I was convicted, I guess he felt</p> <p>19 like he could speak to me in a hostile manner.</p> <p>20 And he also was responsible for pulling me off</p> <p>21 of the buses when I was going to work. He was</p> <p>22 responsible for not -- for me not receiving a</p> <p>23 copy of my schedule. He was responsible for</p> <p>24 making all these decisions that went against</p> <p>25 me, and he used other workers to do so.</p>	<p>1 Brooks</p> <p>2 For example, I was getting on the bus.</p> <p>3 I'm on the bus. I'm waiting to go out to my</p> <p>4 work site. I'm there. I'm on time, and</p> <p>5 another guy get a call and come to the bus and</p> <p>6 say, Is Brooks in here? The supervisor said,</p> <p>7 Yeah. I'm like, Yeah, I'm right here. They</p> <p>8 like, Brooks, come off the bus.</p> <p>9 I later found out that it was because of</p> <p>10 Mr. Wiggins. Mr. Wiggins specifically called</p> <p>11 somebody because he wasn't even on the site.</p> <p>12 He called somebody, told them to pull me off</p> <p>13 the bus so I wouldn't go to work, and had me</p> <p>14 standing on the corner for a while before --</p> <p>15 before anything happened with me, so . . .</p> <p>16 Q Do you know if Mr. Washington's ever been</p> <p>17 convicted of a crime?</p> <p>18 A I don't know.</p> <p>19 Q Do you know if Mr. Wiggins has ever been</p> <p>20 convicted of a crime?</p> <p>21 A I don't know.</p> <p>22 Q Do you know if Mr. Porter's ever been</p> <p>23 convicted of a crime?</p> <p>24 A I don't know.</p> <p>25 Q Do you know if Ms. Gilmore has ever been</p>
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<p>1 Brooks</p> <p>2 convicted of a crime?</p> <p>3 A I don't know.</p> <p>4 Q Do you know if Ms. Hansen's ever been</p> <p>5 convicted of a crime?</p> <p>6 A I don't know.</p> <p>7 Q Do you know if Mr. Holly has ever been</p> <p>8 convicted of a crime?</p> <p>9 A I don't know.</p> <p>10 Q Do you know if Mr. Bell has ever been</p> <p>11 convicted of a crime?</p> <p>12 A I think he might have said that he was,</p> <p>13 but I don't remember.</p> <p>14 Q And Mr. Stevens, do you know whether</p> <p>15 Mr. Stevens has ever been convicted of a crime?</p> <p>16 A I don't know.</p> <p>17 Q And with respect to Mr. Porter, what facts</p> <p>18 do you have to support your claim that</p> <p>19 Mr. Porter treated you differently because of</p> <p>20 your conviction status?</p> <p>21 A I don't recall.</p> <p>22 Q And Ms. Gilmore, what facts do you have to</p> <p>23 support that Ms. Gilmore treated you</p> <p>24 differently based upon your conviction status?</p> <p>25 A I don't recall.</p>	<p>1 Brooks</p> <p>2 Q And Ms. Hanson, what facts do you have to</p> <p>3 support that Ms. Hanson treated you differently</p> <p>4 because of been your conviction status?</p> <p>5 A I don't recall.</p> <p>6 Q And Mr. Holly, what facts do you have to</p> <p>7 support your claim that Mr. Holly treated you</p> <p>8 differently based upon your conviction status?</p> <p>9 A I don't recall.</p> <p>10 Q Mr. Bell, what facts do you have to</p> <p>11 support that Mr. Bell treated you differently</p> <p>12 based upon your conviction status?</p> <p>13 A I don't recall.</p> <p>14 Q And Mr. Stevens, what facts do you have to</p> <p>15 support that Mr. Stevens treated you</p> <p>16 differently based upon your conviction status?</p> <p>17 A I don't recall.</p> <p>18 Q What residents at the Gate Avenue facility</p> <p>19 were treated better than you and did not have a</p> <p>20 conviction history?</p> <p>21 MS. O'CONNELL: Objection.</p> <p>22 A I don't know what other residents were</p> <p>23 doing or their interaction with the status, I</p> <p>24 don't know.</p> <p>25 Q So do you have any basis to claim that the</p>

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<p style="text-align: right;">Page 361</p> <p>1 Brooks</p> <p>2 individuals that you've named or stated treated</p> <p>3 you differently because of your conviction</p> <p>4 status, do you have any basis to claim that</p> <p>5 they treated other residents who were not</p> <p>6 convicted of a crime differently?</p> <p>7 A All I know is how they treated me.</p> <p>8 Q Are there other residents at the Gates</p> <p>9 Avenue facility that have been convicted of</p> <p>10 crimes?</p> <p>11 A I don't know.</p> <p>12 Q Isn't it true that The Doe Fund's purpose</p> <p>13 is to help formally incarcerated individuals to</p> <p>14 achieve self-sufficiency?</p> <p>15 A That's what I believed when I came there.</p> <p>16 Q Have you ever been convicted of a civil</p> <p>17 assault, other than what you've already</p> <p>18 testified to today?</p> <p>19 A No.</p> <p>20 Q Do you know what a civil assault is?</p> <p>21 A No, but I've never been convicted of an</p> <p>22 assault, period, so . . .</p> <p>23 Q You've brought allegations, or part of</p> <p>24 your complaint alleges that Mr. Cooper</p> <p>25 committed an assault on you; is that right?</p>	<p style="text-align: right;">Page 362</p> <p>1 Brooks</p> <p>2 A Yes.</p> <p>3 Q And what is your understanding of what a</p> <p>4 civil assault is?</p> <p>5 A I don't haven an understanding. I don't</p> <p>6 know what it means.</p> <p>7 Q How are you able to make allegations that</p> <p>8 Mr. Cooper did such a thing?</p> <p>9 A I know Mr. Cooper assaulted me sexually,</p> <p>10 and that's what I said.</p> <p>11 Q Do you believe that Mr. Cooper, at any</p> <p>12 time, intended to inflict any injury upon you?</p> <p>13 A Yeah.</p> <p>14 Q And what kind of injury is that?</p> <p>15 A Psychological injury.</p> <p>16 Q Is it your claim that Mr. Cooper intended</p> <p>17 to -- withdrawn.</p> <p>18 What is -- do you know what a civil</p> <p>19 battery is?</p> <p>20 A No.</p> <p>21 Q And you're smiling, Mr. Brooks.</p> <p>22 What's funny about this?</p> <p>23 A I don't understand what you're talking</p> <p>24 about.</p> <p>25 You think I'm a lawyer or something?</p>
<p style="text-align: right;">Page 363</p> <p>1 Brooks</p> <p>2 Q No, but I do think that -- I'm going to</p> <p>3 show you now what's been marked as Plaintiff's</p> <p>4 Exhibit 3.</p> <p>5 MR. BARTOLOMEO: If you're okay with this,</p> <p>6 Counsel, I'll just use my copy from the last</p> <p>7 deposition?</p> <p>8 MS. O'CONNELL: The complaint.</p> <p>9 (Discussion off the record.)</p> <p>10 BY MR. BARTOLOMEO:</p> <p>11 Q I'm going to show you what's been marked</p> <p>12 for identification at the June 7th deposition,</p> <p>13 that's Plaintiff's Exhibit 3. This is a copy</p> <p>14 of the complaint, Mr. Brooks.</p> <p>15 Do you recall seeing this document at the</p> <p>16 last deposition?</p> <p>17 MR. BARTOLOMEO: And I'm showing the</p> <p>18 witness the first page of the complaint.</p> <p>19 A It's possible. It's possible.</p> <p>20 Q It's possible that you saw it at the last</p> <p>21 deposition?</p> <p>22 A Yeah, it's possible. I've seen a lot of</p> <p>23 records. They all look similar to me.</p> <p>24 Q Okay. If you wouldn't mind just taking a</p> <p>25 quick look at this, and tell me whether you've</p>	<p style="text-align: right;">Page 364</p> <p>1 Brooks</p> <p>2 read through this document before.</p> <p>3 I ask that we go off the record while the</p> <p>4 witness reviews.</p> <p>5 (Brief recess.)</p> <p>6 A It's possible that I briefed through this.</p> <p>7 Some of the language in here is similar</p> <p>8 Q Can you state that again, for the record.</p> <p>9 I didn't hear you.</p> <p>10 A It's possible that I briefed through it.</p> <p>11 Some of the language is similar -- familiar.</p> <p>12 Q I'm going to turn your attention now to</p> <p>13 Page 22.</p> <p>14 At the bottom of the page, Mr. Brooks,</p> <p>15 would you just take a look. It says as a 12</p> <p>16 cause of action -- excuse me, as an 11th cause</p> <p>17 of action, what does it say, assault and</p> <p>18 battery; is that correct?</p> <p>19 A Yeah, I see that.</p> <p>20 Q What is your understanding of what a</p> <p>21 battery is?</p> <p>22 MS. O'CONNELL: Objection.</p> <p>23 Q And I'm asking you, in your personal</p> <p>24 knowledge, not as an attorney. I'm not asking</p> <p>25 for a legal opinion.</p>

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<p style="text-align: right;">Page 365</p> <p>1 Brooks</p> <p>2 MS. O'CONNELL: Objection.</p> <p>3 A An assault.</p> <p>4 Q So battery and assault are the --</p> <p>5 A Similar.</p> <p>6 Q -- same thing.</p> <p>7 Did you concept to Mr. Cooper touching</p> <p>8 you?</p> <p>9 A No.</p> <p>10 Q At any time?</p> <p>11 A No.</p> <p>12 Q Do you believe that your consent was</p> <p>13 implied?</p> <p>14 A No.</p> <p>15 Q Now, I'm just going to show the witness</p> <p>16 what's been previously marked for</p> <p>17 identification as Plaintiff's Exhibit No. 8.</p> <p>18 And I would ask you turn your attention -- this</p> <p>19 is a copy of your complaint that you</p> <p>20 acknowledged that during the last deposition.</p> <p>21 If you would just turn to Paragraph 4 for me,</p> <p>22 Mr. Brooks.</p> <p>23 A Turn to Paragraph 4.</p> <p>24 Q Yeah, it's the fourth full paragraph. And</p> <p>25 I believe there's a sentence that says, "I</p>	<p style="text-align: right;">Page 366</p> <p>1 Brooks</p> <p>2 suppose." Just read that into the record where</p> <p>3 it says, "I suppose."</p> <p>4 A "I stood there in shock and" --</p> <p>5 Q Mr. Brooks, I would ask that you just</p> <p>6 read -- if not, I can read it for you -- the</p> <p>7 sentence that begins with "I suppose," and</p> <p>8 Mr. --</p> <p>9 A That is the sentence.</p> <p>10 "I stood there in shock, and I suppose, in</p> <p>11 Mr. Terry's mind, my silence was approval or</p> <p>12 consent for him to grab my penis and say,</p> <p>13 What's this?"</p> <p>14 That's the sentence.</p> <p>15 Q Thank you.</p> <p>16 Does that refresh your recollection of</p> <p>17 whether he thought that your consent was</p> <p>18 implied?</p> <p>19 A No.</p> <p>20 MS. O'CONNELL: Which exhibit is this?</p> <p>21 MR. BARTOLOMEO: Eight.</p> <p>22 Q No, that doesn't refresh your recollection</p> <p>23 as to whether you believed that your consent</p> <p>24 was implied?</p> <p>25 A No. I didn't believe that my consent was</p>
<p style="text-align: right;">Page 367</p> <p>1 Brooks</p> <p>2 implied. I was trying to figure out what made</p> <p>3 him decide that he could do some shit like</p> <p>4 that. That's what I was trying to reconcile in</p> <p>5 my mind. And it had just happened to me. So I</p> <p>6 don't . . .</p> <p>7 Q Do you believe that Mr. Cooper intended to</p> <p>8 cause you physical harm, not psychological?</p> <p>9 A Yes.</p> <p>10 Q In what way do you believe that Mr. Cooper</p> <p>11 intended to cause you physical harm?</p> <p>12 A Well, he touched me in a physical matter,</p> <p>13 and I'm not a homosexual. And he came into my</p> <p>14 room and he closed the door behind him. And he</p> <p>15 came and approached me, and I felt threatened.</p> <p>16 Q What do you allege that Mr. Cooper was</p> <p>17 saying while he touched your penis, if</p> <p>18 anything?</p> <p>19 A He was talking about my schedule. He was</p> <p>20 trying to barter what he was going to give me</p> <p>21 for my schedule, and at the same time he was</p> <p>22 touching my penis.</p> <p>23 Q Do you have any other basis for your claim</p> <p>24 of assault, other than the alleged incident on</p> <p>25 July 21st between you and Mr. Cooper?</p>	<p style="text-align: right;">Page 368</p> <p>1 Brooks</p> <p>2 A No.</p> <p>3 Q Do you have any other basis for the claim</p> <p>4 of battery, other than the incident you allege</p> <p>5 occurred on July 21st between you and</p> <p>6 Mr. Cooper?</p> <p>7 A Say that again.</p> <p>8 Q Do you have any other basis for your claim</p> <p>9 of battery, other than the incident you allege</p> <p>10 occurred on July 21st between you and</p> <p>11 Mr. Cooper?</p> <p>12 MS. O'CONNELL: Objection.</p> <p>13 A I don't recall.</p> <p>14 Q Do you allege that Mr. Washington</p> <p>15 committed a battery on you?</p> <p>16 A No.</p> <p>17 Q Do you allege that Mr. Washington</p> <p>18 committed an assault on you?</p> <p>19 A No.</p> <p>20 Q Do you allege that anyone else at The Doe</p> <p>21 Fund committed a battery on?</p> <p>22 A I'm assuming battery mean physical, and I</p> <p>23 would say no.</p> <p>24 Q Do you believe that anyone else, other</p> <p>25 than Mr. Cooper -- excuse me. Withdrawn.</p>

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<p style="text-align: right;">Page 369</p> <p>1 Brooks</p> <p>2 Do you allege that anyone else at The Doe</p> <p>3 Fund committed an assault against you other</p> <p>4 than Mr. Cooper?</p> <p>5 A Not physical.</p> <p>6 MS. O'CONNELL: Could we go off the record</p> <p>7 for a second.</p> <p>8 (Recess taken.)</p> <p>9 MR. BARTOLOMEO: Based on an</p> <p>10 off-the-record conversation between all counsel</p> <p>11 for all parties, I believe that plaintiff's</p> <p>12 counsel is willing to stipulate, that the 11th</p> <p>13 cause of action, which current reads:</p> <p>14 "Eleventh cause of action: Assault and battery</p> <p>15 (against All, Cooper individually)" is</p> <p>16 actually -- I believe counsel's willing to</p> <p>17 stipulate that's just being alleged as against</p> <p>18 Mr. Cooper individually and against no other</p> <p>19 individuals or the Doe Fund; is that right?</p> <p>20 MS. O'CONNELL: Yes, counsel is</p> <p>21 stipulating to that.</p> <p>22 BY MR. BARTOLOMEO:</p> <p>23 Q I'm going to turn your attention back to</p> <p>24 what's been marked as Plaintiff's Exhibit 3 for</p> <p>25 identification.</p>	<p style="text-align: right;">Page 370</p> <p>1 Brooks</p> <p>2 You have alleged as a 13th cause of</p> <p>3 action, Mr. Brooks, that there was -- "All</p> <p>4 defendants have committed a crime of violence</p> <p>5 motivated by gender."</p> <p>6 Do you see where that is on that third</p> <p>7 page, in big boldface and capital letters, in</p> <p>8 the middle of the page.</p> <p>9 It's a yes-or-no question.</p> <p>10 A Yeah, I see it.</p> <p>11 Q What is your understanding of what a crime</p> <p>12 of violence motivated by gender is?</p> <p>13 A Threats of violence or actual violence</p> <p>14 because of someone's gender.</p> <p>15 Q Are you alleging in this lawsuit that</p> <p>16 somebody threatened violence as against you?</p> <p>17 A Yeah.</p> <p>18 Q Other than what you've already testified</p> <p>19 to, tell us who and what you believe were those</p> <p>20 threats?</p> <p>21 A Mr. Wiggins.</p> <p>22 Q Right.</p> <p>23 And I believe that you testified earlier</p> <p>24 today about what you believe Mr. Wiggins did to</p> <p>25 threaten you; is that correct?</p>
<p style="text-align: right;">Page 371</p> <p>1 Brooks</p> <p>2 A Yes.</p> <p>3 Q Other than Mr. Wiggins and the testimony</p> <p>4 that you gave regarding the way you perceived</p> <p>5 the comments he was making as threats, who else</p> <p>6 at The Doe Fund threatened you with violence?</p> <p>7 A I don't recall.</p> <p>8 I mean, I already testified to the fact</p> <p>9 that Terry came into my room and closed the</p> <p>10 door and it was intimidation.</p> <p>11 But other than that, I don't recall.</p> <p>12 Q Was it violent?</p> <p>13 Was there anything that Terry did to you</p> <p>14 or said to you violent?</p> <p>15 A Yeah, he touched me.</p> <p>16 Q Other than the alleged touching of you,</p> <p>17 what else do you claim was done by Mr. Cooper</p> <p>18 that was violent?</p> <p>19 A The intimidation, by coming into my room,</p> <p>20 approaching me. He's a very big man. And he</p> <p>21 basically had me cornered into a room with the</p> <p>22 door closed.</p> <p>23 Q Other than what you've just testified to,</p> <p>24 anything else that you allege Mr. Cooper did</p> <p>25 that was "violent"?</p>	<p style="text-align: right;">Page 372</p> <p>1 Brooks</p> <p>2 A Yeah.</p> <p>3 He also, when I was outside, he approached</p> <p>4 me and said, "You said this motherfucker what,"</p> <p>5 in a very hostile manner. He came like -- I</p> <p>6 wasn't talking to him. I was -- wasn't even</p> <p>7 facing him, and he walked right up on me and</p> <p>8 said that to me.</p> <p>9 And the people that was around was like</p> <p>10 just chill, chill, chill.</p> <p>11 Q Who was around?</p> <p>12 A It was other Doe Fund employees. I don't</p> <p>13 remember everybody, but --</p> <p>14 Q Was there any staff there?</p> <p>15 A I remember their face, but I don't know</p> <p>16 their names.</p> <p>17 Q Were any of them staff?</p> <p>18 A Yeah.</p> <p>19 Q Were any of them residents?</p> <p>20 A Everybody worked at The Doe Fund. The Doe</p> <p>21 Fund is a working organization, they put you to</p> <p>22 work.</p> <p>23 Q I understand what your understanding is.</p> <p>24 And what I'm asking you is, if there's a</p> <p>25 distinction, my understanding is that</p>

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<p>1 Brooks</p> <p>2 Mr. Stevens is different, and he maintains a</p> <p>3 different status at The Doe Fund than you do --</p> <p>4 did; is that correct?</p> <p>5 A He was a house manager.</p> <p>6 Q Correct.</p> <p>7 Did Mr. Stevens -- was he a "resident" of</p> <p>8 The Doe Fund?</p> <p>9 A No.</p> <p>10 Q A participant in the Ready, Willing & Able</p> <p>11 program?</p> <p>12 A I don't know if he was a participant. I</p> <p>13 don't know how The Doe Fund regulates their</p> <p>14 business.</p> <p>15 Q Mr. Washington, was he a participant in</p> <p>16 the Ready, Willing & Able?</p> <p>17 A I don't know. I don't know how they</p> <p>18 regulate their business. What I do know is</p> <p>19 they have rank in the organization.</p> <p>20 Q And as far as that rank goes, did you have</p> <p>21 any rank in the organization?</p> <p>22 A No, I did not. I just was a cleaner and a</p> <p>23 resident.</p> <p>24 Q Other than what you've already testified</p> <p>25 to, what other acts or statements were made to</p>	<p>1 Brooks</p> <p>2 you that you believed were violent during the</p> <p>3 time that you were at The Doe Fund?</p> <p>4 A I don't recall I started to smoke</p> <p>5 marijuana to kind of not remember this. So</p> <p>6 it's a lot of things that I just don't</p> <p>7 remember. I tried to smoke the memory away.</p> <p>8 It's a dark part of my life that I would love</p> <p>9 to forget. So I just don't remember a lot of</p> <p>10 stuff that happened.</p> <p>11 Q And when was the last time you smoked</p> <p>12 marijuana?</p> <p>13 A It's been maybe a year, something like</p> <p>14 that.</p> <p>15 Q Were you ever smoking marijuana during the</p> <p>16 time you were a resident at The Doe Fund?</p> <p>17 A Maybe. Possibly towards the end when I</p> <p>18 was dealing with a lot of hostility towards me,</p> <p>19 maybe.</p> <p>20 Q Did you smoke any marijuana before, and I</p> <p>21 don't mean just the day of, but before the</p> <p>22 incident that you allege occurred on July 21st?</p> <p>23 A No.</p> <p>24 Q Is it your testimony that you never smoked</p> <p>25 marijuana in your life before the incident that</p>
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<p>1 Brooks</p> <p>2 you allege occurred on July 21st?</p> <p>3 A No, no, no. I smoked before, but I hadn't</p> <p>4 smoked in five years. I quit. I relapsed</p> <p>5 after this incident. I didn't smoke marijuana</p> <p>6 in about five years. I quit.</p> <p>7 Q And is it your understanding that there</p> <p>8 are certain rules in place at The Doe Fund with</p> <p>9 respect to substances, alcohol, narcotics and</p> <p>10 other drugs?</p> <p>11 A Yep. Yes, it is.</p> <p>12 Q And would one of those rules prohibit any</p> <p>13 resident from engaging in consumption or use of</p> <p>14 any substances, illegal substances?</p> <p>15 A Yeah, I know you're not supposed to use</p> <p>16 drugs on the grounds, and I didn't. I surely</p> <p>17 didn't.</p> <p>18 Q Is it your understanding that you could</p> <p>19 use drugs when you're not on The Doe Fund</p> <p>20 grounds, but even while you're still a Doe Fund</p> <p>21 resident?</p> <p>22 A I know that you're not supposed to come</p> <p>23 into the facility drunk and stuff like that.</p> <p>24 That's the reason they did a Breathalyzer test.</p> <p>25 Q And they also do urinalysis, right, they</p>	<p>1 Brooks</p> <p>2 take pee samples?</p> <p>3 A They only do urinalysis for participants</p> <p>4 in the program. I wasn't a participant in the</p> <p>5 program.</p> <p>6 Q Did you ever fail any of those urinalysis?</p> <p>7 A No, I did not.</p> <p>8 Q Did you ever fail a Breathalyzer test?</p> <p>9 A No, I did not.</p> <p>10 Q At any time -- withdrawn.</p> <p>11 You also brought a claim of intentional</p> <p>12 infliction of emotional distress. I believe</p> <p>13 it's on Page 22. Do you mind turning to that</p> <p>14 Page 22.</p> <p>15 Do you see that in the middle of the page</p> <p>16 in big boldface and capital letters?</p> <p>17 A Which one you said it was?</p> <p>18 Q Intentional infliction of emotional</p> <p>19 distress.</p> <p>20 A Yeah.</p> <p>21 Q Do you have any facts to support your</p> <p>22 claim for intentional infliction of emotional</p> <p>23 distress that are different from the ones that</p> <p>24 you allege with respect to the alleged sexual</p> <p>25 harassment on July 21?</p>

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<p>1 Brooks</p> <p>2 A The emotional distress come in -- not</p> <p>3 the -- because of the sexual assault by</p> <p>4 Mr. Terry, and also the following actions that</p> <p>5 happened with the other staff there, by</p> <p>6 targeting me and making my life difficult.</p> <p>7 I was under the impression they were</p> <p>8 supposed to help, being that I was coming home</p> <p>9 and I needed a place to stay. I needed work.</p> <p>10 But they didn't do these things.</p> <p>11 And because I made the complaint against</p> <p>12 Mr. Terry, I was targeted and harassed by the</p> <p>13 rest of the staff, which caused me emotional</p> <p>14 distress.</p> <p>15 Q And just so we can try to move things</p> <p>16 along today, I mean, if you've already told us</p> <p>17 about it, and When I say to you, "other than</p> <p>18 what you've already testified to," just assume</p> <p>19 that I understand and remember the things that</p> <p>20 you've already told us about.</p> <p>21 So I'm asking about specifics for only</p> <p>22 claims that you have or any facts that support</p> <p>23 your claim for this cause of action, other than</p> <p>24 what you've already testified to.</p> <p>25 A I'm not sure what you really mean by that.</p>	<p>1 Brooks</p> <p>2 Q What I mean is, is that you've told us</p> <p>3 that there's certain things that happened or</p> <p>4 you allege happened between you and Mr. Cooper</p> <p>5 on July 21st.</p> <p>6 You also allege, as a result of those</p> <p>7 things and that situation, that you've suffered</p> <p>8 emotional distress.</p> <p>9 And you've also alleged, and it's my</p> <p>10 understanding that your testimony is, is that</p> <p>11 you've also alleged that as a result of</p> <p>12 complaining about this alleged incident with</p> <p>13 Mr. Cooper, that there are certain things that</p> <p>14 happened afterwards and you believe that you</p> <p>15 were targeted, right?</p> <p>16 A Yeah, that's a fact.</p> <p>17 Q Okay. So that's a summary.</p> <p>18 And we've heard about, and we've heard</p> <p>19 from you on all of those things.</p> <p>20 And I'm saying, other than what you've</p> <p>21 already told me about, is there anything else?</p> <p>22 A Oh, is there anything else.</p> <p>23 Well, yeah, this situation that happened</p> <p>24 with Mr. Cooper caused me to relapse.</p> <p>25 It caused me to, you know, pick up drugs</p>
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<p>1 Brooks</p> <p>2 again, to try to deal with or abate the</p> <p>3 depression. And that caused a problem with my</p> <p>4 parole.</p> <p>5 I came home and I was on Level 4. Level 4</p> <p>6 is the best level you could be on. You only</p> <p>7 have to see parole once every four months. And</p> <p>8 that was because of my behavior while I was</p> <p>9 incarcerated. It was exemplary.</p> <p>10 I ran the drug programs while I was</p> <p>11 incarcerated. I did the alternative to</p> <p>12 violence programs. I advocated, and I was the</p> <p>13 one that was in control of running the groups.</p> <p>14 So when I came home and this happened to</p> <p>15 me, I picked up again. I relapsed.</p> <p>16 Bad on me, hurt me, but it also hurt me as</p> <p>17 far as parole was concerned because now I got</p> <p>18 dropped from Level 4 to Level 1.</p> <p>19 Q What is Level 1?</p> <p>20 A Level 1 means that instead of going to see</p> <p>21 my parole officer once every four months, so</p> <p>22 that would be three times a year. I had to go</p> <p>23 see him every week, again.</p> <p>24 Q Is there a level where you have to see a</p> <p>25 parole officer every two weeks?</p>	<p>1 Brooks</p> <p>2 A Yeah, that's Level 2.</p> <p>3 And eventually I got put into Level 2</p> <p>4 where I went to go see them every two weeks.</p> <p>5 But after the incident, it became every week.</p> <p>6 Now, it was every two weeks. I'm</p> <p>7 currently still on Level 2.</p> <p>8 Q Okay. Why did you get dropped to Level 2</p> <p>9 from Level 4?</p> <p>10 A Because of drug use and because I got</p> <p>11 kicked out of The Doe Fund. They kicked me</p> <p>12 out. They did their best to kick me out.</p> <p>13 Wicked people.</p> <p>14 They kicked me out of The Doe Fund, so I</p> <p>15 was homeless. Slept with a friend, at a</p> <p>16 friend's until my apartment thing kicked in.</p> <p>17 My parole officer came to see me at The</p> <p>18 Doe Fund. I was no longer there. So he was</p> <p>19 about to put out a warrant for my arrest,</p> <p>20 saying that I had ran away from parole, so to</p> <p>21 speak.</p> <p>22 And so that caused me stress. I had to go</p> <p>23 to another drug program and do another drug</p> <p>24 program, which was about eight months, and to</p> <p>25 deal with my relapse problem that occurred</p>

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<p>1 Brooks</p> <p>2 behind the stress that I was dealing with at</p> <p>3 The Doe Fund from what happened with</p> <p>4 Mr. Cooper.</p> <p>5 Q Just --</p> <p>6 A Also, me and my wife, our sexual</p> <p>7 interaction is not what it used to be. I don't</p> <p>8 feel like touching her often.</p> <p>9 And so it made my situation with my wife</p> <p>10 worse. She started to feel like I didn't want,</p> <p>11 I wasn't attracted to her anymore.</p> <p>12 Q We are far afield from what the original</p> <p>13 question was.</p> <p>14 The original question was that to support</p> <p>15 your claim what -- you know, what things were</p> <p>16 done that caused you this emotional distress.</p> <p>17 I think you've now answered that. I just want</p> <p>18 to ask you, Mr. Brooks, you know, as far as</p> <p>19 your level, your parole level.</p> <p>20 Your status, if I understand you</p> <p>21 correctly, you were on Level 4 when you were</p> <p>22 released from incarceration; is that right?</p> <p>23 A Yes.</p> <p>24 Q And were you on Level 4 at the time you</p> <p>25 entered The Doe Fund?</p>	<p>1 Brooks</p> <p>2 A Yes.</p> <p>3 Q And at what point -- withdrawn.</p> <p>4 Were you on Level 4 through the date of</p> <p>5 July 21, 2016?</p> <p>6 A I'm not good with dates.</p> <p>7 Q Well, then July 21, 2016 is the date that</p> <p>8 the allege that Mr. Cooper inappropriately</p> <p>9 touched you, correct?</p> <p>10 A Yeah.</p> <p>11 Q At any point before that, had your parole</p> <p>12 level changed?</p> <p>13 A No, I was on Level 4.</p> <p>14 Q So it was your testimony that from start</p> <p>15 to finish, from the start of The Doe Fund until</p> <p>16 July 21, you were on Level 4?</p> <p>17 A I was on Level 4, yeah.</p> <p>18 Q Did you take any other drugs other than</p> <p>19 marijuana after the alleged incident on</p> <p>20 July 21?</p> <p>21 A Yeah, I took sleeping medication.</p> <p>22 Q Was that the -- withdrawn.</p> <p>23 What's the name of that medication</p> <p>24 Mir-something. It's a long name. I don't</p> <p>25 understand it.</p>
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<p>1 Brooks</p> <p>2 Q If I told you it was Mirtazapine; is that</p> <p>3 correct?</p> <p>4 A Yeah, that sounds like it.</p> <p>5 Q And where did you get that medication</p> <p>6 from?</p> <p>7 A From a psychologist, therapist.</p> <p>8 Q I'm asking specifically, what person</p> <p>9 prescribed you this medication?</p> <p>10 A Two people prescribed me the medication.</p> <p>11 Q Who?</p> <p>12 A Mr. ^Kulloford, and I think her name is</p> <p>13 Ms. Luna. I don't remember. She has an</p> <p>14 African name. I'm really not good with names.</p> <p>15 If I don't see a person every day, every</p> <p>16 day, I don't remember their names, and I don't</p> <p>17 remember things.</p> <p>18 MS. O'CONNELL: May we let him see the</p> <p>19 interrogatories.</p> <p>20 MR. BARTOLOMEO: No, not yet. Thank you.</p> <p>21 I want to just get what his understanding is</p> <p>22 based on.</p> <p>23 BY MR. BARTOLOMEO:</p> <p>24 Q And after the incident that you allege</p> <p>25 happened on July 21st, how much marijuana were</p>	<p>1 Brooks</p> <p>2 you smoking?</p> <p>3 If you can tell me in term of frequency,</p> <p>4 as a number of days out of the week, and also</p> <p>5 quantity, in terms of each time you smoked or</p> <p>6 during those days that you smoked how much you</p> <p>7 would smoke.</p> <p>8 A After the incident, I can't recall -- I</p> <p>9 don't know how much marijuana I was smoking. I</p> <p>10 can't tell you that.</p> <p>11 Q Were you smoking in the morning?</p> <p>12 A I can't say. I don't remember.</p> <p>13 Q So you have no recollection, Mr. Brooks,</p> <p>14 as to how much or how often you were smoking</p> <p>15 marijuana?</p> <p>16 A No.</p> <p>17 Q Could it have been a pound of marijuana</p> <p>18 you would smoke in one day?</p> <p>19 A I couldn't even afford a pound of</p> <p>20 marijuana, sir.</p> <p>21 Q Okay. Maybe we can get a pretty good idea</p> <p>22 of what maybe you were smoking.</p> <p>23 How much could you afford to smoke in one</p> <p>24 day?</p> <p>25 A I don't remember. I don't remember.</p>

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<p style="text-align: right;">Page 385</p> <p>1 Brooks</p> <p>2 Q I'm not asking you for the exact, you</p> <p>3 know, grams and ounces here. I'm just asking</p> <p>4 for generally.</p> <p>5 Did you smoke one joint a today, two</p> <p>6 joints a today, one blunt a day, two blunts a</p> <p>7 day?</p> <p>8 A It depended on how I felt, sir.</p> <p>9 Q And if you could approximate for me, to</p> <p>10 the best of your recollection, how often.</p> <p>11 Was it every day? Was it once a month?</p> <p>12 Once a year? Was it something else?</p> <p>13 How often were you smoking marijuana?</p> <p>14 A I think it started gradually to become an</p> <p>15 every-day thing.</p> <p>16 Q And on those days when this became an</p> <p>17 every-day thing, how much were you smoking a</p> <p>18 day?</p> <p>19 A I can't say.</p> <p>20 Q How much could you afford to smoke a day</p> <p>21 once it became that?</p> <p>22 A I don't remember.</p> <p>23 Q Did you smoke by yourself or with other</p> <p>24 people?</p> <p>25 A I smoked by myself.</p>	<p style="text-align: right;">Page 386</p> <p>1 Brooks</p> <p>2 Q Did you ever smoke with other people?</p> <p>3 A No.</p> <p>4 Q There's also a claim in the complaint, and</p> <p>5 it says, a claim of interference with</p> <p>6 protective rights.</p> <p>7 Do you see that at the bottom?</p> <p>8 You made a claim for interference with</p> <p>9 your protective rights. And I believe it's</p> <p>10 Page 21 in the middle of the page, the</p> <p>11 9th cause of action.</p> <p>12 Do you see that where it's written in bold</p> <p>13 and caps?</p> <p>14 A You say in the middle, "Ninth Cause of</p> <p>15 Action in the Field with Protective Rights,"</p> <p>16 okay.</p> <p>17 Q Okay. Are you -- in your -- withdrawn.</p> <p>18 Are you claiming that anything -- anything</p> <p>19 different in this claim where you've claimed</p> <p>20 that -- your -- interference with protective</p> <p>21 rights, is there anything different, and other</p> <p>22 than what you've told us about, the acts that</p> <p>23 were committed in response to your lodging a</p> <p>24 complaint against Mr. Cooper?</p> <p>25 A I don't understand your question.</p>
<p style="text-align: right;">Page 387</p> <p>1 Brooks</p> <p>2 Q Sure.</p> <p>3 What is the basis for your allegation that</p> <p>4 there was an interference with your protective</p> <p>5 rights?</p> <p>6 A I don't know. I don't know how to answer</p> <p>7 that question.</p> <p>8 Q What's your understanding of what</p> <p>9 "interference of protective rights" means,</p> <p>10 Mr. Brooks?</p> <p>11 A It's a legal term. I really --</p> <p>12 Q I'm asking you for your personal</p> <p>13 understanding, to the best that you understand,</p> <p>14 what does that mean?</p> <p>15 A I don't know.</p> <p>16 Q Page -- excuse me, Paragraph 127, here.</p> <p>17 Paragraph 127 of the complaint reads that:</p> <p>18 Defendant Doe Fund and Defendant Wiggins</p> <p>19 retaliated against you by withdrawing</p> <p>20 employment opportunities to plaintiff and</p> <p>21 discouraging you from taking full-time</p> <p>22 employment outside of the program.</p> <p>23 In what ways did The Doe Fund retaliate</p> <p>24 against you by -- excuse me.</p> <p>25 In what ways did they withdraw employment</p>	<p style="text-align: right;">Page 388</p> <p>1 Brooks</p> <p>2 opportunities?</p> <p>3 A I believe I testified to that already. I</p> <p>4 told you that they were pulling me off the van</p> <p>5 and not letting me go on my routes. They were</p> <p>6 writing me up for things that I didn't do,</p> <p>7 clearly.</p> <p>8 Q And what --</p> <p>9 A They just made the working environment</p> <p>10 very hostile.</p> <p>11 Q And --</p> <p>12 A As far as outside --</p> <p>13 Q Yeah, go ahead.</p> <p>14 A Like I testified to before -- in fact,</p> <p>15 before -- even before I was getting a job I was</p> <p>16 telling them that I had possibilities because I</p> <p>17 seen that there were hostilities while I was</p> <p>18 going to work with the supervisors.</p> <p>19 So I told my counselor, Listen, I could</p> <p>20 get a job. And he told me that, no, I</p> <p>21 shouldn't be getting a job. I need to do the</p> <p>22 program. Because if I get my own job I'm no</p> <p>23 longer a part of the program no more.</p> <p>24 But when I couldn't take it anymore, the</p> <p>25 hostility and the playing the games with me, I</p>

<p style="text-align: right;">Page 389</p> <p>1 Brooks</p> <p>2 just went and got my own job anyway and</p> <p>3 decided, forget it, I won't be a part of the</p> <p>4 program if this is the way they are going to</p> <p>5 treat me.</p> <p>6 As you know, when I did get my own job,</p> <p>7 they were interfering with it. They were</p> <p>8 causing me problems with my late night pass.</p> <p>9 And I'll get a pass, finally get a pass, and</p> <p>10 I'll be sleeping, you know, staff would come</p> <p>11 banging on the door, wake my up to make sure,</p> <p>12 you know, I had sleepless nights.</p> <p>13 Things of that nature is what I recall</p> <p>14 happening.</p> <p>15 Q Okay. And as far as Mr. Cooper, do you</p> <p>16 allege Mr. Cooper interfered with your</p> <p>17 employment outside of The Doe Fund?</p> <p>18 A No, I can't say that he has.</p> <p>19 Q And now in Paragraph 128, the complaint</p> <p>20 that's in front of you, it says "The Doe Fund</p> <p>21 retaliated against plaintiff by refusing other</p> <p>22 housing opportunities to you that were</p> <p>23 typically offered to others."</p> <p>24 What housing opportunities were refused to</p> <p>25 you that were typically offered to other?</p>	<p style="text-align: right;">Page 390</p> <p>1 Brooks</p> <p>2 A Well, I was asking to get a links voucher.</p> <p>3 And I was supposed to be set up with getting a</p> <p>4 link vouchers a couple of times, that would</p> <p>5 have enabled me to get housing.</p> <p>6 Q And what happened?</p> <p>7 A I continued to ask and ask, and I was</p> <p>8 getting the runaround about the links voucher.</p> <p>9 So what I ended up doing is going out and</p> <p>10 getting a SEP voucher on my own, that had</p> <p>11 absolutely nothing to do with the company.</p> <p>12 So I ended up getting my own apartment</p> <p>13 without any help or assistance from The Doe</p> <p>14 Fund. And I just felt like, you know, they</p> <p>15 didn't do nothing that they claimed that they</p> <p>16 was going to do, like help me with independent</p> <p>17 living; you know, finding a house, finding</p> <p>18 stable work. They did none of that. I did</p> <p>19 that on my own.</p> <p>20 In fact, they kind of hindered me from</p> <p>21 doing a lot of things.</p> <p>22 Q And who gave you the runaround?</p> <p>23 A Well, The Doe Fund.</p> <p>24 MR. BARTOLOMEO: We'll break in a few</p> <p>25 minutes for lunch. I just wanted to find out.</p>
<p style="text-align: right;">Page 391</p> <p>1 Brooks</p> <p>2 Q You said Doe Fund employees.</p> <p>3 Is there anybody specific that you recall</p> <p>4 having given you the runaround about the links</p> <p>5 voucher?</p> <p>6 A I know it was my counselor. My case</p> <p>7 manager.</p> <p>8 Q What's that person's name?</p> <p>9 A Mr. O'Neil. Both of my case managers.</p> <p>10 Both of them, Mr. O'Neil and Mr. Porter. I was</p> <p>11 asking them about the voucher, the links</p> <p>12 voucher. I didn't get any leeway towards it.</p> <p>13 I never got a link voucher at all. And the</p> <p>14 link voucher was the typical voucher that they</p> <p>15 gave to residents in The Doe Fund.</p> <p>16 Q Was one of the conditions of your parole</p> <p>17 that you be enrolled in the Ready, Willing &</p> <p>18 Able program?</p> <p>19 A No, it wasn't a condition of the parole.</p> <p>20 Q There was no requirement that you</p> <p>21 participate in any type of program; is that</p> <p>22 correct?</p> <p>23 A Not the Ready Willing & Able program.</p> <p>24 It was a condition of my parole that I go</p> <p>25 to a drug program and an alternative to</p>	<p style="text-align: right;">Page 392</p> <p>1 Brooks</p> <p>2 violence program.</p> <p>3 Q And did the Ready, Willing & Able program</p> <p>4 provide you with those, drug program and</p> <p>5 alternative to violence programs?</p> <p>6 A No.</p> <p>7 MR. BARTOLOMEO: I think this is probably</p> <p>8 a good time to stop for us to stop. I have</p> <p>9 some more. I think this is good for lunch.</p> <p>10 (Luncheon Recess: 1:28 p.m.)</p> <p>11 AFTERNOON SESSION</p> <p>12 (Time noted: 1:53 p.m.)</p> <p>13 (Deposition Exhibit 11, Document Entitled</p> <p>14 "Appeal from the United States District Court</p> <p>15 for the Northern District of Mississippi, USDC</p> <p>16 No. 1:12-CV-190," marked for identification as</p> <p>17 of this date.)</p> <p>18 GREGORY BROOKS, resumed and</p> <p>19 testified as follows:</p> <p>20 EXAMINATION BY (Cont'd.)</p> <p>21 MR. BARTOLOMEO:</p> <p>22 Q We just returned from lunch, Mr. Brooks.</p> <p>23 I'll just remind you you're still under oath.</p> <p>24 And all the rules we discussed this morning and</p> <p>25 last time now applies.</p>

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Brooks

Q Did you ever live in Mississippi?

A No.

Q Can you just take a look at what's been marked for identification as Plaintiff's Exhibit No. 11.

It's titled -- it's a multiple-page document. It's 26 pages, I believe. It's regarding Case No. 14-60357. It's caption "In the United States Court of Appeals For the Fifth Circuit. Gregory Brooks, Plaintiff-Appellant, versus the City of West Point, Mississippi; Jimmy Birchfield; Willimam Spralding, Defendants-Appellees."

The Gregory Brooks that's referred to in the caption; is that you?

A No.

Q You haven't filed any other lawsuits other than the one we're currently here for today?

A No.

Q If you just look at Page 2 of this document that's Plaintiff's Exhibit 11.

Do you have -- do you have a sister that lives in Atlanta?

A No.

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Brooks

Q Have you, at any time, had family members that lived in Atlanta?

A Any family members that lived in Atlanta? I have family members that live in Georgia right now.

Q Okay. Do you know if any of those ever lived in Atlanta, Georgia?

A No.

Q We don't need you to look at that anymore. Just put it right above this one here. And this is marked.

All right. Last time at your deposition, Mr. Brooks, you testified that you -- it was your understanding that somebody told you that Mr. Cooper got fired because he was accused of touching someone.

Do you recall giving that testimony?

A I recall something similar.

Q Okay. Then can you clarify for the record exactly what you recall saying. I don't want to paraphrase what you did say.

A I don't know if you're talking about when I seen another one of the cleaners and he told me that Cooper was fired for touching somebody.

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Brooks

Q What was that person's name?

A I don't know.

Q How long after the incident did this individual -- like how many days after this incident or the alleged incident with Mr. Cooper, how many days after did this person tell you that he believed Terry got fired because he was accused of touching somebody?

A I don't know. I don't remember.

Q How did that person -- withdrawn.

Did that person tell you anything else, other than he believed that Terry had been fired for touching somebody?

A No. What he said -- he said that he believes that Terry got fired because he touched somebody. He said he don't know if it was because he touched somebody or because he was stealing from The Doe Fund. Because he said that Terry was stealing that -- it's been accused that Terry was stealing, so, outside of everything.

Q So he gave you two possible explanations for why Mr. Cooper was fired?

A Yes.

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Brooks

Q Isn't it true that you have no knowledge who Mr. Washington told -- withdrawn.

Isn't it true that you don't have any knowledge to confirm that Mr. Washington told anyone, other than yourself, about the investigation into your allegations against Mr. Cooper?

A That I have no knowledge.

Well, he was the only other person that knew. So between me, him and the HR people that got together -- that was the only people that knew.

So for a dude that doesn't even live in the facility, because he didn't live there, he just was a day worker. He used to come in and go out.

For him to have knowledge that, you know, Terry had touched somebody or was fired because of -- or he assumed Terry was fired because of it, he shouldn't have known that.

Q And what -- so -- withdrawn.

So is it correct to say that this is an assumption that you're making based on people that you understood had knowledge and the fact

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1 Brooks
2 that somebody had told you that they believed
3 that one of the possibilities for why Terry got
4 fired was because he had touched somebody?
5 A Yeah, I believe that somebody leaked the
6 information.
7 Q And can you describe what this cleaner
8 person looked like?
9 A He was tall, brown skin, a little bit
10 older. He had like -- he was slim. Had like
11 salt and pepper hair.
12 Q Male? Female?
13 It was male, correct?
14 A A guy.
15 Q And then was this person -- withdrawn.
16 Do you know how often this person was
17 working at The Doe Fund?
18 Was it every day or something else?
19 A No. I don't know.
20 Q Did you see him most days that you were
21 there?
22 A No. I only seen him a handful of times.
23 Q When was the last time that you slept
24 with -- you had sexual intercourse with your
25 wife?

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1 Brooks
2 A Wow. A couple of weeks ago.
3 Q And the time before that?
4 A Was a couple of years ago.
5 Q And when was the last you slept with a
6 woman other than your wife?
7 A A few weeks ago.
8 Q Was it before or after you slept with your
9 wife, the most recent time?
10 A Before.
11 Q Have you ever had any other sort of -- any
12 sexual interactions -- it doesn't necessarily
13 mean having intercourse -- with any women other
14 than your wife since the most recent time you
15 had intercourse with her?
16 A Say that again.
17 Q Yeah.
18 Did you have any sort of sexual
19 interactions with other women other than your
20 wife since the time that you last slept with
21 her?
22 MS. O'CONNELL: Objection.
23 Q So after that time, have you been with any
24 other women?
25 And I don't mean necessarily having had

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1 Brooks
2 sex with her.
3 MS. O'CONNELL: Objection.
4 A As far as I understand your question, I
5 don't think so.
6 Q Did you kiss any other women?
7 A No.
8 Q If I said that, you know, making out with
9 a woman, what would your understanding of that
10 be?
11 A Kiss her.
12 Q So you have not kissed or otherwise
13 engaged in any sexual interactions with another
14 women other than your wife since the last time
15 you slept with your wife; is that correct?
16 A That's correct.
17 Q What was name of the woman that you slept
18 with right before you slept with your wife?
19 A Sarah. Sarah. Her name is pronounced
20 differently. In America it would be Sarah.
21 But her name is pronounced Sarrah.
22 Q And have you known this woman for a long
23 time, or is this somebody you just met,
24 something else?
25 A Yeah, I've known her for over a year.

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1 Brooks
2 Q And is this one of the women you told us
3 about last time, you said that there was one,
4 if I recall, you would see and sleep with
5 whenever she would come to New York?
6 A That's correct
7 Q Is that the woman you're referring to?
8 A Yes.
9 Q Where does she live?
10 A She lives in Baltimore.
11 MR. BARTOLOMEO: Go back to play what's --
12 I'm going to play what's been marked now --
13 we'll mark for identification as Plaintiff's
14 Exhibit 12, and it's an audio clip, so we're
15 going to play it from the moment of the six
16 minutes.
17 This was provided by plaintiff, and it
18 was, our understanding, it was last modified on
19 August 8th of 2016. And it's titled "Play
20 Mr. Washington."
21 (Deposition Exhibit 12, File Entitled
22 "Play Mr. Washington," marked for
23 identification as of this date.)
24 MR. BARTOLOMEO: So if we would just play
25 it and queue it from the sixth minute.

<p style="text-align: right;">Page 401</p> <p>1 Brooks 2 (Tape playing.) 3 BY MR. BARTOLOMEO: 4 Q Was that you and Mr. Washington on that 5 tape, Mr. Brooks? 6 A Yes. 7 Q Was anybody else on that tape? 8 A No. 9 Q There came a point where you said -- you 10 stated on that audio clip that the "route 11 situation had been kind of simmering down." 12 What did you mean by that? 13 A I meant behind the last couple of days, I 14 wasn't having issues. 15 Q So your route situation had basically been 16 resolved; is that correct? 17 A Not resolved. I was just saying they 18 didn't bother me for the last couple of days. 19 Q You said something about a Breathalyzer on 20 that tape also. 21 Do you remember that? 22 A Yes. 23 Q Isn't it true that you say here that the 24 issue with the Breathalyzer was just an error 25 with the machine?</p>	<p style="text-align: right;">Page 402</p> <p>1 Brooks 2 A Yeah. 3 Q And the security guard said that you we're 4 okay to go? 5 A Yeah. 6 Q And Mr. Matthews also said you were okay 7 to go, correct? 8 A Yeah, that's after he brought me down into 9 his office. 10 Q Who brought you down into his office? 11 A Mr. Matthews. 12 He brought me down in the office and asked 13 me, What, is there a problem I don't want to do 14 the program. And I found that to be strange 15 for him to say that. 16 What does me blowing in a Breathalyzer 17 have to do with me not wanting to do the 18 program anymore? 19 Q Wasn't one of the conditions of you being 20 in the program that you comply with the rules 21 of the program? 22 A Absolutely. And I was complying to the 23 rules of the program. That's why it didn't 24 make sense to me for him to say that. 25 Q So maybe I'm unclear.</p>
<p style="text-align: right;">Page 403</p> <p>1 Brooks 2 Is it permitted for a participant in the 3 program to refuse a drug test? 4 A As you heard on the tape that -- number 5 one, that wasn't a drug test; it was a 6 Breathalyzer. 7 Q I'm just asking as a general matter, is it 8 permitted for a participant in the program to 9 refuse a drug test? 10 A I don't know. 11 Q With respect to -- the same question 12 regarding an alcohol test or a Breathalyzer, is 13 it permitted for a participant in the program 14 to refuse an alcohol or a Breathalyzer test. 15 A I don't know if it's permitted to refuse a 16 alcohol/Breathalyzer test in the program. 17 But I know that I was not refusing. I 18 blew into that Breathalyzer a few times. And 19 he just assumed I didn't want to do the 20 program. And I blew in it and I waited. And I 21 sat there and waited for him to try to fix 22 their machine so I can do it again for them. 23 Because they came upstairs and got me so I 24 can do it again; even though I blew on it a 25 couple of times with the staff.</p>	<p style="text-align: right;">Page 404</p> <p>1 Brooks 2 And another staff -- what I mean by 3 "staff" is security. Another security, like I 4 said in the tape, had blew on it and it came up 5 the same way. He knew he wasn't drinking 6 either, and knew it was something wrong with 7 their machine. 8 Q I'm going to now play for you, on same 9 exhibit, Exhibit 12, I believe it is, another 10 clip. 11 (Tape Playing.) 12 Q It's true that you asked Mr. Washington 13 who else knows during that audio clip; is that 14 correct? 15 A Yes. 16 Q And isn't it true that you don't know if 17 anyone outside those involved in the 18 investigation knew about the complaint that you 19 made about Mr. Cooper? 20 A Say that again. 21 Q Isn't it true you don't know if anyone 22 outside of those involved in the investigation 23 knew about the complaint and allegations you 24 brought against Mr. Cooper? 25 A I don't know how other people found out.</p>

<p style="text-align: right;">Page 405</p> <p>1 Brooks</p> <p>2 That was the reason why I had that conversation</p> <p>3 with him, because I don't know how did other</p> <p>4 people found out that was not a part of the</p> <p>5 investigation, that was not in the room with</p> <p>6 me, him and the HR people talking. How did</p> <p>7 people outside of that found out about it;</p> <p>8 because I sure enough didn't tell nobody. But</p> <p>9 people had accurate information on what</p> <p>10 happened, so that was my issue.</p> <p>11 Q And so this is just your assumption that</p> <p>12 you're making; is that correct?</p> <p>13 A It wasn't an assumption. It was an actual</p> <p>14 fact. It was a dude that wasn't involved,</p> <p>15 didn't have nothing to do with it, didn't even</p> <p>16 live in the facility, and he knew that Terry</p> <p>17 had touched somebody.</p> <p>18 Like, how did he find that out?</p> <p>19 Q I understand.</p> <p>20 But he didn't tell you that anyone</p> <p>21 involved in the investigation had told him this</p> <p>22 information, did he?</p> <p>23 A Nah, he never told me who told him.</p> <p>24 Q Did you ask him who told him?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 406</p> <p>1 Brooks</p> <p>2 Q Isn't it correct you just stated you're</p> <p>3 also a trainee?</p> <p>4 A Yeah, that's what what I said.</p> <p>5 Q Okay. And you also distinguish that as</p> <p>6 against somebody who you claim was an employee</p> <p>7 of the company for three years, meaning</p> <p>8 Mr. Cooper?</p> <p>9 A No. But I said that saying that I was new</p> <p>10 to the company, and I was only a route worker.</p> <p>11 Q Okay. I can read for you, Mr. Brooks, if</p> <p>12 you'd like, exactly what you said from that</p> <p>13 audio clip.</p> <p>14 It says "I know, I'm a trainee. I</p> <p>15 understand that. He was an employee. He's</p> <p>16 been with the company, from what I hear like</p> <p>17 three years or more, right?</p> <p>18 And I believe you were referencing --</p> <p>19 speaking about Mr. Cooper; is that correct?</p> <p>20 A Yes, I was speaking about him.</p> <p>21 Q Okay. And just to confirm, you said that</p> <p>22 the guy -- I believe that audio clip reflects</p> <p>23 this.</p> <p>24 But just to confirm, you told</p> <p>25 Mr. Washington during that audio clip that you</p>
<p style="text-align: right;">Page 407</p> <p>1 Brooks</p> <p>2 were -- that he told you it was two stories,</p> <p>3 right?</p> <p>4 A Right.</p> <p>5 Q Last time you gave some testimony,</p> <p>6 Mr. Brooks, about having had your room --</p> <p>7 actually, let me go through.</p> <p>8 Are you alleging as a result of your</p> <p>9 filing the complaint against Mr. Cooper, that</p> <p>10 Mr. Cooper retaliated against you in any way?</p> <p>11 MS. O'CONNELL: Objection.</p> <p>12 A The next time I seen him he approached me</p> <p>13 in a hostile manner. And it appeared to me he</p> <p>14 actually wanted to have a fight with me.</p> <p>15 And . . .</p> <p>16 Q And that was your only interaction with</p> <p>17 Mr. Cooper after the date that you filed the</p> <p>18 incident --</p> <p>19 A That was my only interaction after.</p> <p>20 Q And approximately how long did that</p> <p>21 interaction last for?</p> <p>22 A A few seconds.</p> <p>23 Q And other than you saying that he</p> <p>24 approached you in a hostile manner, is there</p> <p>25 anything else that you're claiming that</p>	<p style="text-align: right;">Page 408</p> <p>1 Brooks</p> <p>2 Mr. Cooper did to retaliate against you in</p> <p>3 connection with, or as a result of your filing</p> <p>4 to a complaint against Mr. Cooper?</p> <p>5 MS. O'CONNELL: Objection.</p> <p>6 A I don't know what else he did, but I know</p> <p>7 that other staff members was retaliating. I</p> <p>8 don't know if it was on his behave, he told</p> <p>9 them to do it or whatnot. But I was catching</p> <p>10 it from a lot of different people.</p> <p>11 Q And I understand, and we'll get to that</p> <p>12 other stuff in just a moment.</p> <p>13 But specifically, did Mr. Cooper -- are</p> <p>14 you claiming that Mr. Cooper did anything else,</p> <p>15 other than that one incident that you described</p> <p>16 now, to retaliate against you for your filing</p> <p>17 the complaint against Mr. Cooper?</p> <p>18 MS. O'CONNELL: Objection.</p> <p>19 A I don't recall.</p> <p>20 Q And is it correct to say that the only</p> <p>21 interaction you had with Mr. Cooper after the</p> <p>22 time you filed your complaint against him was</p> <p>23 that brief encounter you just described?</p> <p>24 A Yes.</p> <p>25 Q Have you ever, since that time of filing</p>

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Brooks

your complaint, other than that one brief encounter, have you ever seen or spoken to Mr. Cooper again?

A No.

Q I'm going to now mark, for identification, Plaintiff's Exhibit 13.

(Recess taken.)

(Deposition Exhibit 13, E-mail Chain, marked for identification as of this date.)

Q I'm going to show you now what's been marked as Plaintiff's Exhibit 13 for identification. If you would just review the document and look up when you've finished reviewing the document and we'll know that you've looked it over.

You had a chance to review the document, Mr. Brooks?

A I'm doing that now.

Q I'm just going to describe for the record what it is.

MR. BARTOLOMEO: It's an e-mail that says "Confidential" at the top. It says "Mail - Sexual Harassment Complaint." It's a two-page document. The first e-mail on the upper

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Brooks

right-hand corner indicates that it was sent on Friday, July 22, 2016 at 7:29 a.m.

It's Bates No. DoeFund -- Bates labeled Doe Fund 000161 and 162.

A All right.

Q You've now had an opportunity to do that?

Mr. Brooks, have you ever seen this document before?

A No.

Q You're familiar with what it's referring to now that you've had an opportunity to review it?

A Yeah. I believe it's referring to my complaint.

Q Okay. And if you can take a look at the top, the first one says "Sexual Harassment Complaint." It says underneath that "19 messages." The name written under that is "James Washington," correct?

A Yes.

Q And then the time and date stamp again of that e-mail that Mr. Washington sent, it indicates it's Friday, July 22, 2016 at 7:29 a.m.

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Brooks

Do you have any reason to believe that this e-mail by Mr. Washington was sent at any other time than what's indicated in this page?

Do you have any reason to believe that, Mr. Brooks?

A Do I have any reason to believe?

Q That it was sent at a different time.

A Other than what's indicated on the page?

Q It's not a trick question. I'm just asking if you have any reason.

A I don't know.

Q Sitting here today --

A I don't know.

Q Isn't it true, based on the time that's written, 7:29 a.m., and the time which Mr. Washington indicates in the e-mail that he received your complaint, isn't it true that he -- once he saw your complaint, he immediately started investigating the complaint?

A Yes.

Q And then if you look at the second e-mail at the bottom -- we just briefly read that over -- isn't it true Mr. Cooper was instructed

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not to report to work while the matter was being investigated?

A Yes.

(Deposition Exhibit 14, File Entitled "Washington on Vernon," marked for identification as of this date.)

Q And now I'm going to play you something from the audio clips. This is also -- this is an audio clip. We're going to mark for identification as Plaintiff's Exhibit 14. It's titled "Washington on Vernon." We're going to play the segment between two minutes to 50 seconds to five minutes and 59 seconds. The audio clip indicates that it was last modified on July 22, 2016.

(Tape playing.)

BY MR. BARTOLOMEO:

Q Mr. Brooks, you've now listened to that audio clip, which we've marked for identification as Plaintiff's Exhibit 14.

Is that a conversation you had with Mr. Washington?

A Yes, it is.

Q And how long after the alleged incident

<p style="text-align: right;">Page 413</p> <p>1 Brooks</p> <p>2 with Mr. Cooper did that conversation happen;</p> <p>3 was it the next day, next week, something other</p> <p>4 than that?</p> <p>5 A I don't remember.</p> <p>6 Q If I indicated to you now that the --</p> <p>7 excuse me, that the date on the audio file says</p> <p>8 it was last modified on July 22, 2016, does</p> <p>9 that refresh your recollection as to what date</p> <p>10 that conversation took place?</p> <p>11 A No, I don't remember.</p> <p>12 Q What date did you file your complaint</p> <p>13 against -- excuse me. Withdrawn.</p> <p>14 What date do you allege the incident with</p> <p>15 Mr. Cooper occurred?</p> <p>16 A I don't -- I told you I don't remember</p> <p>17 dates at all, so -- but I do know that when I</p> <p>18 wrote the complaint, I had the date on that</p> <p>19 complaint.</p> <p>20 Q All right. On the complaint, I believe</p> <p>21 what we've referred to is Plaintiff's Exhibit</p> <p>22 Exhibit 8. I've now placed that before you.</p> <p>23 Mr. Brooks, if you would please pick you</p> <p>24 head up, look at it. And tell me if there's a</p> <p>25 date on there that would refresh your</p>	<p style="text-align: right;">Page 414</p> <p>1 Brooks</p> <p>2 recollection as to when the incident you allege</p> <p>3 occurred with Mr. Cooper.</p> <p>4 A 7/21/2016.</p> <p>5 Q Now, if I told you that this audio clip</p> <p>6 last modified or bears a stamp, a time and date</p> <p>7 stamp of 7/22 of 2016, would that be the day</p> <p>8 after the alleged incident with Mr. Cooper?</p> <p>9 Yes or no?</p> <p>10 A Yes.</p> <p>11 Q And would this make sense that this</p> <p>12 conversation was held -- withdrawn.</p> <p>13 Was this conversation held with</p> <p>14 Mr. Washington right after he received and</p> <p>15 reviewed your complaint?</p> <p>16 A Yes, it was after. It was after me making</p> <p>17 the complaint.</p> <p>18 Q And he also told you that he had sent the</p> <p>19 complaint over to HR; is that correct?</p> <p>20 A Yes.</p> <p>21 Q And he also told you that Mr. Cooper would</p> <p>22 not returned to Gates Avenue facility until the</p> <p>23 matter was resolved, correct?</p> <p>24 A Yes.</p> <p>25 Q And isn't it true that also during that</p>
<p style="text-align: right;">Page 415</p> <p>1 Brooks</p> <p>2 conversation, you and Mr. Washington discussed</p> <p>3 your schedule; is that correct?</p> <p>4 A Yes.</p> <p>5 Q And that was the same day that he had</p> <p>6 received your complaint; is that correct?</p> <p>7 A I believe so.</p> <p>8 Q Do you have any reason not to believe so?</p> <p>9 A I believe so.</p> <p>10 Q I'm asking you -- withdrawn.</p> <p>11 Isn't it true that Mr. Washington called</p> <p>12 Mr. Bell on the telephone to assist with your</p> <p>13 schedule?</p> <p>14 A To assist?</p> <p>15 Sounds to me he was calling for</p> <p>16 information.</p> <p>17 Q I think that's just a matter of, what we</p> <p>18 would say, semantics.</p> <p>19 What is your understanding of why</p> <p>20 Mr. Washington was calling Mr. Bell on the</p> <p>21 telephone that day?</p> <p>22 A To get accurate information. We didn't</p> <p>23 know where Vernon was. He didn't know -- I</p> <p>24 said Queens. He said Vernon. I didn't know</p> <p>25 what he was talking about when he was saying</p>	<p style="text-align: right;">Page 416</p> <p>1 Brooks</p> <p>2 Vernon. And so he obviously didn't know</p> <p>3 either, so he called Mr. Bell to find out.</p> <p>4 Q So they are doing this in attempt to help</p> <p>5 you out with your schedule; is that right, give</p> <p>6 you information, provide you information to</p> <p>7 help out with your schedule, correct?</p> <p>8 A I can't say I know what was his reason for</p> <p>9 doing that. You got to ask him that.</p> <p>10 Q Is it your understanding that they were</p> <p>11 trying to assist you with your scheduling?</p> <p>12 A No.</p> <p>13 Q Then what were they doing?</p> <p>14 A He was getting information. He was trying</p> <p>15 to find out where I was going to be available</p> <p>16 to speak with HR.</p> <p>17 Q You were able to get that information on</p> <p>18 your own?</p> <p>19 A Clearly I wasn't because I went in there</p> <p>20 to speak to him about it.</p> <p>21 Q Okay. And so if you asked somebody to</p> <p>22 assist you, you asked -- isn't it true you</p> <p>23 asked Mr. Washington to assist you with getting</p> <p>24 information about your schedule?</p> <p>25 A I didn't ask Mr. Washington to assist me.</p>

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<p>1 Brooks</p> <p>2 I was telling him my situation, and he was</p> <p>3 telling me when I had to be available to speak</p> <p>4 with HR on that day.</p> <p>5 Q Isn't it true that Mr. Washington made an</p> <p>6 accommodation for you on Monday, July 25 so</p> <p>7 that you could be interviewed in connection</p> <p>8 with your complaint?</p> <p>9 A Made an accommodation?</p> <p>10 Q Yes.</p> <p>11 Do you understand what that mean?</p> <p>12 A For something that they wanted me to do?</p> <p>13 He wanted me to be there to speak to HR.</p> <p>14 Q Mr. Brooks, again, I'm going to remind you</p> <p>15 what the rules of the deposition are, okay. I</p> <p>16 get to ask the questions, you get to give the</p> <p>17 answers. I'm asking a question, your answer</p> <p>18 should be responsive to my question and not</p> <p>19 just what you want to tell me, unless it's</p> <p>20 responsive to my question. Because we'll</p> <p>21 continue to make motions to strike your answers</p> <p>22 as nonresponsive. We can continue to do this</p> <p>23 all day if you'd like, okay.</p> <p>24 I'm asking you if he made an</p> <p>25 accommodation, meaning he helped you get out of</p>	<p>1 Brooks</p> <p>2 the work assignment, on that Monday so you</p> <p>3 could be interviewed in connection with your</p> <p>4 complaint.</p> <p>5 Is that a yes or no?</p> <p>6 A I don't know.</p> <p>7 Q You don't know if Mr. Washington assisted</p> <p>8 you with changing your schedule so that you</p> <p>9 could be interviewed on that Monday?</p> <p>10 A I don't know.</p> <p>11 Q Were you interviewed in connection with</p> <p>12 your complaint?</p> <p>13 A Yes.</p> <p>14 Q Who was present?</p> <p>15 A Two women and Mr. Washington.</p> <p>16 Q What day of the week was it?</p> <p>17 A I don't remember.</p> <p>18 Q Were you supposed to work that day?</p> <p>19 A I believe so.</p> <p>20 Q Did you work on that day?</p> <p>21 A I can't remember.</p> <p>22 Q I'm going to ask now for another clip,</p> <p>23 which is titled "Playing with schedule,</p> <p>24 Ronald Holly." We're going to mark this for</p> <p>25 identification as Plaintiff's Exhibit 15. The</p>
Page 419	Page 420
<p>1 Brooks</p> <p>2 clip "Playing with Schedule, Ronald Holly," it</p> <p>3 is -- we're going to play 0 through 1 minute 30</p> <p>4 seconds, and it does not bear a time or date</p> <p>5 stamp. So we're going to go without further</p> <p>6 ado, playing the clip.</p> <p>7 (Deposition Exhibit 15, File Entitled</p> <p>8 Playing with Schedule, Ronald Holly," marked</p> <p>9 for identification as of this date.)</p> <p>10 (Tape Playing.)</p> <p>11 Q Mr. Brooks?</p> <p>12 A Yes.</p> <p>13 Q You were able to listen to that, correct?</p> <p>14 A Yeah.</p> <p>15 Q So is that correct that that was a</p> <p>16 conversation with Mr. Holly?</p> <p>17 A Yes.</p> <p>18 Q And Holly says today is the 29th.</p> <p>19 He's referring to July 29th, correct?</p> <p>20 A Yes.</p> <p>21 Q And then Holly also told you that your</p> <p>22 schedule is fixed and you didn't have to work</p> <p>23 weekends; is that correct?</p> <p>24 A That's what he said.</p> <p>25 Q Was is correct, though, what he said?</p>	<p>1 Brooks</p> <p>2 A No. I end up having problems later on</p> <p>3 with Mr. Bell, telling me that I was supposed</p> <p>4 to be at work.</p> <p>5 Q You told Mr. Stevens during that</p> <p>6 conversation, also, during that audio clip,</p> <p>7 that you had a copy of your schedule?</p> <p>8 A Yeah. That was a misstatement. I had</p> <p>9 seen a copy. He showed it to me on the</p> <p>10 computer. He didn't give me a copy in my hand.</p> <p>11 Q And you told him your days off were</p> <p>12 Saturday and Sunday?</p> <p>13 A That's what I told him, yes.</p> <p>14 MR. BARTOLOMEO: I need a few moment break</p> <p>15 if that's okay.</p> <p>16 (Recess taken.)</p> <p>17 BY MR. BARTOLOMEO:</p> <p>18 Q Mr. Brooks, before -- excuse me.</p> <p>19 Last time you were here you testified to a</p> <p>20 couple of different medications that you had</p> <p>21 been prescribed for sleeping.</p> <p>22 When was the last time you took either of</p> <p>23 those medications?</p> <p>24 A A couple of weeks ago.</p> <p>25 Q And was this the Remeron or the</p>

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<p>1 Brooks</p> <p>2 Mirtazapine?</p> <p>3 A Yeah, Mirtazapine?</p> <p>4 Q And I think you mentioned something about</p> <p>5 Tizanidine; is that correct?</p> <p>6 A Yeah.</p> <p>7 Q Are currently prescribed?</p> <p>8 A Mirtazapine.</p> <p>9 Q Are you currently prescribed Tizanidine?</p> <p>10 A No, Mirtazapine.</p> <p>11 Q Are you currently being prescribed any</p> <p>12 other medications other than Mirtazapine?</p> <p>13 A No, not right now.</p> <p>14 Q What -- can you tell me all the different</p> <p>15 medications you've been prescribed, other than</p> <p>16 than Mirtazapine and Tizanidine since the time</p> <p>17 you've been out of prison, or the most recent</p> <p>18 time you were out of prison?</p> <p>19 A No, I can't tell you that. I don't</p> <p>20 remember.</p> <p>21 Q To the best of your recollection, what</p> <p>22 other medications have you taken or been</p> <p>23 prescribed -- withdrawn.</p> <p>24 To best of your recollection, what other</p> <p>25 medications have you been prescribed, other</p>	<p>1 Brooks</p> <p>2 than Mirtazapine or Trazodone since the time</p> <p>3 you were released from prison most recently?</p> <p>4 A I don't remember.</p> <p>5 Q What doctor prescribed you Mirtazapine?</p> <p>6 A Two different doctors. I answered that</p> <p>7 earlier.</p> <p>8 Q Mr. Brooks, I'm entitled to ask you a</p> <p>9 question. If you could please answer the</p> <p>10 question, we'll get out of here a lot quicker.</p> <p>11 Who prescribed you -- most recently, who</p> <p>12 prescribed you Mirtazapine?</p> <p>13 A I don't remember her name.</p> <p>14 Q Who most recently described you Trazodone?</p> <p>15 A I don't recall.</p> <p>16 Q What were you prescribed Mirtazapine for?</p> <p>17 A Depression.</p> <p>18 Q And what's your understanding of what kind</p> <p>19 of medication Mirtazapine is?</p> <p>20 MS. O'CONNELL: Objection.</p> <p>21 MR. BARTOLOMEO: Based on what?</p> <p>22 I'm asking what his understanding, what</p> <p>23 kind of the medication it is.</p> <p>24 MS. O'CONNELL: I mean, he's not a doctor.</p> <p>25 MR. BARTOLOMEO: That's why I'm asking</p>
Page 423	Page 424
<p>1 Brooks</p> <p>2 Mr. Brooks as Mr. Brooks, what's his</p> <p>3 understanding.</p> <p>4 A I don't know.</p> <p>5 Q What was your understanding -- strike</p> <p>6 that.</p> <p>7 What is your understanding of how often</p> <p>8 you're supposed to be taking Mirtazapine?</p> <p>9 A I don't recall what the doctor told me.</p> <p>10 Q Do you still have the pill jar at home?</p> <p>11 A Yes, I do.</p> <p>12 MR. BARTOLOMEO: I'm going to call for a</p> <p>13 production of at least a couple of the label of</p> <p>14 that pill jar. If you would provide us with</p> <p>15 that.</p> <p>16 Q I'm going to ask, Mr. Brooks, that you</p> <p>17 give that -- either take a picture of the label</p> <p>18 of that pill jar or you give that pill jar,</p> <p>19 however you want to work it out with your</p> <p>20 attorney. But I'm going to call for production</p> <p>21 of the copy of the label of that pill jar.</p> <p>22 Do you still have the Trazodone at home?</p> <p>23 A No.</p> <p>24 Q Do you have any other medications other</p> <p>25 than Mirtazapine at home?</p>	<p>1 Brooks</p> <p>2 A No, I used them.</p> <p>3 Q What did you use?</p> <p>4 A I don't recall the names of them.</p> <p>5 Q Do you still have the empty pill bottle</p> <p>6 from those particular prescriptions?</p> <p>7 A It's possible. I might, I might not. I</p> <p>8 don't know.</p> <p>9 Q I would ask that you conduct a search for</p> <p>10 any and all pill bottles, prescription pill</p> <p>11 bottles that you have in your possession,</p> <p>12 whether it's at home or elsewhere, provide</p> <p>13 copies of either the labels or the actual pill</p> <p>14 bottles to your attorney, and that your counsel</p> <p>15 provide us with copies of the same upon</p> <p>16 receipt.</p> <p>17 A Okay.</p> <p>18 Q Where have you sought medical treatment</p> <p>19 since the time that you started living at the</p> <p>20 Gates Avenue facility?</p> <p>21 A Well, I first went to my counselor for a</p> <p>22 referral, because I didn't know where to go or</p> <p>23 how to go about it.</p> <p>24 So I went to my counselor for a referral.</p> <p>25 I started speaking to my counselor about it,</p>

<p style="text-align: right;">Page 425</p> <p>1 Brooks</p> <p>2 Yolanda. I got a -- that, for me asking for</p> <p>3 the referral, they had me speak to an in-house</p> <p>4 therapist. And I believe his name was</p> <p>5 Culliford, I'm not sure. I can't remember.</p> <p>6 And he's the one -- I discussed the situation,</p> <p>7 what happened with the assault by Mr. Cooper,</p> <p>8 how I was feeling. I couldn't sleep, you know,</p> <p>9 I was feeling down. And he gave me the</p> <p>10 medication.</p> <p>11 Then I --</p> <p>12 Q If you could do for me a favor, just list</p> <p>13 the places. And we can get into all the</p> <p>14 details later. But it will just help for me</p> <p>15 understanding what the names of all these</p> <p>16 places or doctors that you've seen since you</p> <p>17 started living at the Gates facility.</p> <p>18 So right now I think you testified to</p> <p>19 Yolanda, and you also testified to</p> <p>20 Dr. Culliford or Mr. Culliford.</p> <p>21 Other than Yolanda and Mr. or</p> <p>22 Dr. Culliford, what other facilities,</p> <p>23 hospitals, treatment centers, doctors, have</p> <p>24 you've seen, just their names.</p> <p>25 A I went to Bright Point. I went to</p>	<p style="text-align: right;">Page 426</p> <p>1 Brooks</p> <p>2 something Horizon.</p> <p>3 Q You said Bright Point?</p> <p>4 A Yeah, Bright Point Health.</p> <p>5 Q And that's New Horizon, if that's correct?</p> <p>6 A It's some kind of Horizon. I went there,</p> <p>7 spoke with them.</p> <p>8 Q Were is Bright Point Health?</p> <p>9 A I believe it's on Church Avenue in</p> <p>10 Brooklyn. That's all I could remember right</p> <p>11 now. I might be able to find business cards or</p> <p>12 something.</p> <p>13 I went to speak to the doctor at Brooklyn</p> <p>14 Plaza, my clinic there. She's the one that</p> <p>15 gave me a prescription.</p> <p>16 Q If I said that individual's name was</p> <p>17 Kehide Idowu --</p> <p>18 MR. BARTOLOMEO: I'll spell that for you.</p> <p>19 The first name is K-e-h-i-d-e, last name,</p> <p>20 I-d-o-w-u.</p> <p>21 Q -- would that refresh your recollection as</p> <p>22 to who that individual was?</p> <p>23 A Yeah, exactly. Very difficult to</p> <p>24 remember.</p> <p>25 Q So now we've talked about Bright Point</p>
<p style="text-align: right;">Page 427</p> <p>1 Brooks</p> <p>2 Health, some sort of Horizon facility, Brooklyn</p> <p>3 Plaza Medical Center, Dr. Culliford, Yolanda.</p> <p>4 Anybody else that you've seen since the</p> <p>5 time you were at the Gates Avenue facility?</p> <p>6 A I had the drug counselor at Reborn for New</p> <p>7 Life. And I tried to get a referral there as</p> <p>8 well.</p> <p>9 Q So I'm just going to ask you, and we're</p> <p>10 going to start to talk about each of them.</p> <p>11 You know, Dr. Culliford, you said that</p> <p>12 Dr. Culliford was the one who prescribed you</p> <p>13 Mirtazapine; is that correct?</p> <p>14 A Yes.</p> <p>15 Q Where does Dr. Culliford work?</p> <p>16 A Brooklyn Plaza clinic.</p> <p>17 Q Are you -- is that the same place that the</p> <p>18 other individual with the last name Idowu that</p> <p>19 we just spoke about, is it the same place they</p> <p>20 live -- excuse me, work?</p> <p>21 A What?</p> <p>22 The one you asked about before?</p> <p>23 Q Yeah, Kehide Idowu.</p> <p>24 I asked you if that was the person from</p> <p>25 Brooklyn, and you said yes?</p>	<p style="text-align: right;">Page 428</p> <p>1 Brooks</p> <p>2 A Yeah.</p> <p>3 Q And I asked you, Dr. Culliford, where does</p> <p>4 that person work, you said Brooklyn.</p> <p>5 Are they both at the same place?</p> <p>6 A No, no. He was at -- I forgot the name of</p> <p>7 the organization. I could get some -- get a</p> <p>8 name, but I forgot.</p> <p>9 MS. O'CONNELL: Off the record.</p> <p>10 (Discussion off the record.)</p> <p>11 BY MR. BARTOLOMEO:</p> <p>12 Q You said at home you may have some</p> <p>13 business card or other records. I ask that you</p> <p>14 conduct a search for any records that would</p> <p>15 provide us with additional details about your</p> <p>16 medical treatment since the time that you</p> <p>17 arrived at the Gates facility, and then provide</p> <p>18 those records to your attorney, and then she</p> <p>19 will, in due course, provide them to us.</p> <p>20 MS. O'CONNELL: Can you let us know more</p> <p>21 specifically what other sort of records or --</p> <p>22 MR. BARTOLOMEO: He just said that he</p> <p>23 might have business cards.</p> <p>24 I'm asking for anything with identifying</p> <p>25 information as to where Mr. Brooks sought</p>

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1 Brooks
2 and/or received medical treatment or therapy
3 treatment since the time that he had arrived at
4 the Gates facility to present.
5 So I don't know what kind of records those
6 would be; invoices --
7 MS. O'CONNELL: Okay.
8 MR. BARTOLOMEO: -- receipts, anything
9 like that.
10 BY MR. BARTOLOMEO:
11 Q You said Dr. Culliford was part of some
12 group; is that right, Mr. Brooks?
13 A No.
14 Q What did you say about Mr. Culliford,
15 where he works?
16 A He's a therapist at a drug program that I
17 was attending.
18 Q And where is that drug program that you
19 attended, where is that located?
20 A I believe it's York Avenue.
21 Q York Avenue, is that what you said?
22 A I believe so. I would have to double
23 check. I can't really recall.
24 Q How many times did you see Dr. Culliford?
25 A Once, maybe twice.

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1 Brooks
2 His name does appear on this label, right?
3 A Yes.
4 Q And it says take one tablet by mouth every
5 night at bedtime, correct?
6 A Yes.
7 Q Is there a reason why you didn't take one
8 tablet every day as directed?
9 A I did at the time, but eventually that was
10 causing problems with me -- with waking up and
11 going to work. That was -- at the same time
12 that he gave me that was the same time I was
13 having problems at The Doe Fund with being able
14 to maintain sleep.
15 Q And how many -- do you know, off the top
16 of your head -- withdrawn.
17 To the best of your recollection, how many
18 pills are still left in your prescription?
19 A I don't know.
20 In that bottle there's none. I got
21 another whole bottle.
22 Q And did you refill your prescription?
23 A I got another prescription altogether.
24 Q You got another prescription altogether;
25 is that what you said?

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1 Brooks
2 Q And what did he treat you for --
3 withdrawn.
4 Did he provide you with any treatment?
5 A Yeah, for depression.
6 Q And what kind of treatment did he provide
7 you?
8 A He gave me the prescription medication.
9 Q You said he prescribed you medication?
10 A Yes.
11 (Deposition Exhibit 16, Document Entitled
12 "Your Personal Prescription Information," marked
13 for identification as of this date.)
14 Q I'm now going to show you what's been
15 marked for identification as Plaintiff's
16 Exhibit 16.
17 Can you tell me what this document that
18 you're looking at is?
19 A Prescription information.
20 Q Okay. And is your name on there?
21 A Yes, it is.
22 Q Is that the correct date of birth?
23 A Yes.
24 Q And it does indicate that Dr. Culliford is
25 the doctor.

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1 Brooks
2 A Yes.
3 Q From whom?
4 A From the other therapist that I spoke to
5 and seen.
6 Q Which therapist was that?
7 A I don't know how to describe her name --
8 pronounce her name.
9 Q Where did you meet her?
10 A The Brooklyn Plaza person.
11 Q So you're referring to a doctor, a nurse,
12 a psychiatric therapist?
13 A Yes.
14 Q Which one?
15 A A therapist. She's the one I spoke to
16 about the incident, and she prescribed me
17 medication.
18 Q If I told you that we received out to
19 Dr. Culliford's office and we were unable to
20 obtain -- we were advised that there's no
21 records of him having seen you as a patient, do
22 you have an understanding as to why that would
23 be?
24 A No, I'm not there. I don't deal with
25 their business.

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Why would I have an understanding why?

I'm not a part of that business. I just went to go see him.

Q Do you know if you gave this piece of paper, the one that's now marked as Plaintiff's 16 in front of you, did you give a copy of this to your attorney?

A I believe so.

Q Do you know why there's no date that's on this label?

A No.

Q Do you know when it's from, what date?

A I know it was a year or so back, maybe two.

Q And did he prescribe this medication to you once, more than once?

A Once. I only seen him one time.

Q Okay. A few moments ago you said it was one or two times.

So it your testimony --

A I've since him one or two times in the facility. But I only got medications from him one time.

Q How many times did you meet with him,

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personally, speak to the doctor?

A One or two times.

Q Was it one or is it two?

A I believe I spoke to him briefly on another occasion, but I can't really remember.

Q You also testified a few moments ago that New -- or some Horizon.

If I stipulated and -- if I indicated to you that this was New Horizon; does that sound right to you?

A I'm not sure. I'm not exactly sure. But I'm pretty sure I have the business card at home.

Q And earlier today you went through the process of having to look at the interrogatories. You signed a verification which means you read those and were swearing under oath that that was accurate, to the best of your knowledge?

A Yeah, to the best of my knowledge, correct.

Q If you wouldn't mind just opening your eyes and picking up your head, Mr. Brooks, I'll be able to better hear you. I want to make

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sure you're fully with us. If you need to take a break, I'm happy to do that. If you're tired, I just ask that you fully participate in this procedure.

A I have a headache.

Q Would you like to take a break?

A I don't want to take a break. I want to get this over with. So please proceed.

Q I'm going to now put this back in your hands. It is Plaintiff's Exhibit 10.

Earlier today, once again, you had told us you read over these, they were truthful to the best of your knowledge and accurate to the best of your knowledge.

Would you please read Response No. 4 to determine whether New Horizon is the accurate and true place that you went and sought treatment?

A Yeah, I believe so.

Q When did you go to New Horizon for treatment?

A I believe that -- that may be mixed up with the Resource Training & Counseling Center.

Q What? Say that again?

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Brooks

A The Resource Training & Counseling Center.

Q What are you saying about that?

I'm sorry, not 100 percent . . .

A I believe that they are the ones that referred me to New Horizon, I believe.

Q All right. Mr. Brooks, I'm going to ask that you -- I understand you have an headache. I'm trying to be sympathetic to that. I've offered Tylenol. I've offered a break. But I'm going to ask that you listen to question, otherwise I will have a break until that you're ready to proceed and that we can get these questions answered.

I asked you, when did you go to New Horizons?

A I don't recall.

Q Who did you see at New Horizon?

A I don't recall.

Q And what was the purpose of going to New Horizon?

A Depression.

Q If we contacted New Horizon, would they have any record of you having visited there?

A I can't recall.

<p style="text-align: right;">Page 437</p> <p>1 Brooks</p> <p>2 Q Did you have to fill out any paperwork at</p> <p>3 New Horizon in connection with showing up and</p> <p>4 seeking treatment there?</p> <p>5 A I don't recall.</p> <p>6 Q I'm going to take a break. Hopefully</p> <p>7 you're able to refresh your recollection at</p> <p>8 some point. I'm going to take a few-minutes</p> <p>9 break. Thank you.</p> <p>10 (Recess taken.)</p> <p>11 BY MR. BARTOLOMEO:</p> <p>12 Q So we are back on the record.</p> <p>13 Last we were talking about New Horizon or</p> <p>14 New Horizons, excuse me.</p> <p>15 If I told you it was on Rockaway Boulevard</p> <p>16 in Ozone Park, does that refresh your</p> <p>17 recollection as to where it was?</p> <p>18 A I can't say that it does.</p> <p>19 Q You also testified a little while ago that</p> <p>20 you saw a -- let me just see here -- a</p> <p>21 psychiatric -- withdrawn.</p> <p>22 A nurse, I believe or therapist Kehinde,</p> <p>23 K-e-h-i-n-d-e, Idowu, I-d-o-w-u.</p> <p>24 Do you recall saying that you saw that</p> <p>25 individual?</p>	<p style="text-align: right;">Page 438</p> <p>1 Brooks</p> <p>2 A Yes.</p> <p>3 Q Is that a male or female?</p> <p>4 A It's a female.</p> <p>5 Q And what did that person -- withdrawn.</p> <p>6 How many times did you see that</p> <p>7 individual?</p> <p>8 A I seen her one time. She set up a</p> <p>9 schedule for me to see her every week, but I</p> <p>10 was unable to do so because I was working two</p> <p>11 jobs at the time, and our schedules conflicted.</p> <p>12 So it was a part of the plan for me to get a</p> <p>13 different therapist.</p> <p>14 Q Did that individual prescribe you any</p> <p>15 medication?</p> <p>16 A She did.</p> <p>17 Q And what did she prescribe you?</p> <p>18 A Remeron, I believe it was. And I believe</p> <p>19 Mirtazapine.</p> <p>20 Q Mirtazapine?</p> <p>21 A It's another form --</p> <p>22 Q Same thing?</p> <p>23 A Yeah.</p> <p>24 Q And you say you saw her only one time?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 439</p> <p>1 Brooks</p> <p>2 Q And Dr. Culliford -- withdrawn.</p> <p>3 And she was at Brooklyn Medical Plaza,</p> <p>4 correct?</p> <p>5 A Yes.</p> <p>6 Q All right. And was Dr. Culliford at</p> <p>7 Brooklyn Medical Plaza?</p> <p>8 A No, he was not.</p> <p>9 (Deposition Exhibit 17, Document</p> <p>10 Bates-Stamped BKLYN PLAZA 000001 through BKLYN</p> <p>11 PLAZA 000017, marked for identification as of</p> <p>12 this date.)</p> <p>13 Q And now I'm going to show you what's been</p> <p>14 marked as 17, I believe it is.</p> <p>15 The court reporter just placed in front of</p> <p>16 you what's been marked as -- marked for</p> <p>17 identification as Plaintiff's Exhibit No. 17.</p> <p>18 It's a document that is Bates-stamped Brooklyn</p> <p>19 Plaza 001 TO 000017.</p> <p>20 On the cover page it indicates, at the</p> <p>21 bottom, that it's a the Brooklyn Plaza Medical</p> <p>22 Center, located 650 Fulton Street, Brooklyn,</p> <p>23 New York 11217.</p> <p>24 And if we turn to Page 15, in the upper</p> <p>25 left-hand, right under where the logo is for</p>	<p style="text-align: right;">Page 440</p> <p>1 Brooks</p> <p>2 Brooklyn Medical Plaza, it indicates a date of</p> <p>3 8/23/2017 otherwise, August 23rd of 2017.</p> <p>4 Do you see where I'm referring to on</p> <p>5 Page 15?</p> <p>6 It would be indicated at the bottom which</p> <p>7 page it is, bottom right, excuse me.</p> <p>8 A Yeah, 815.</p> <p>9 Q Okay. So in the upper right-hand corner</p> <p>10 of that page -- withdrawn.</p> <p>11 You've never seen this before, am I</p> <p>12 correct --</p> <p>13 A No.</p> <p>14 Q -- these records?</p> <p>15 The top right-hand corner of the page, is</p> <p>16 that your name, "Gregory Brooks"?</p> <p>17 A Yes.</p> <p>18 Q And does that accurately describe you as a</p> <p>19 "41 year old male"?</p> <p>20 A Yes.</p> <p>21 Q And in August of 2017, were you also</p> <p>22 living at 630 Howard Avenue, Apartment 16?</p> <p>23 A Yes.</p> <p>24 Q Okay. And it indicates your primary care</p> <p>25 physician or PCP is Natasha A Baron.</p>

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<p>1 Brooks</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Who is Natasha Baron?</p> <p>5 A I don't know. I go to that clinic for</p> <p>6 other reasons, medical reasons. That might be</p> <p>7 my primary medical doctor.</p> <p>8 But whenever I go, if she's not there, I</p> <p>9 see another doctor.</p> <p>10 Q Okay. Do you know who you saw on this</p> <p>11 particular occasion, August 23, 2017?</p> <p>12 A I believe it was Ms. Idowu.</p> <p>13 Q Okay. If it says at the bottom it was</p> <p>14 electronically signed by Gorgette Alexis, M.D.,</p> <p>15 does that refresh your recollection as to you</p> <p>16 may have seen on that occasion?</p> <p>17 A No, not really.</p> <p>18 Q Okay. And you see in the upper right-hand</p> <p>19 corner on the line is, it says "Progress Notes:</p> <p>20 Georgette Alexis, M.D."?</p> <p>21 A You said the upper?</p> <p>22 Q Sorry, right there.</p> <p>23 You see where it says --</p> <p>24 A "Progress Notes," yes.</p> <p>25 Q Does that refresh your recollection as to</p>	<p>1 Brooks</p> <p>2 who you would have seen on that date?</p> <p>3 A No. I go to that clinic often whenever I</p> <p>4 have medical problems, and I see different</p> <p>5 people all the time.</p> <p>6 Q Okay. And August 23, 2017, that was just</p> <p>7 about a month after you had allegedly been</p> <p>8 touched by Mr. Cooper; is that right?</p> <p>9 A No, I got touched by him in 2016.</p> <p>10 Q Okay. And it says here that the reason</p> <p>11 for your appointment was, it says, "Patient</p> <p>12 said that he has pain under his right leg that</p> <p>13 started yesterday. Lump on leg. No. 2. Left</p> <p>14 eye blurry and feels like eyelash in eye.</p> <p>15 Feels irritated. Blurriness in left eye.</p> <p>16 Discomfort in left eye stated" -- which I</p> <p>17 believe probably means started -- "last week."</p> <p>18 Do you see where it says that?</p> <p>19 A Yes, I do.</p> <p>20 Q Does it say you complained of anything</p> <p>21 else on that occasion?</p> <p>22 A No.</p> <p>23 Q If you turn to the next page, which is</p> <p>24 Labeled 16. And there's a section titled</p> <p>25 "HPi." Under, it says "Activity," it describes</p>
Page 443	Page 444
<p>1 Brooks</p> <p>2 "41-year-old male. History of depression. Was</p> <p>3 seen by psych in past. Refused to take meds as</p> <p>4 prescribed. Complaints of irritation left eye.</p> <p>5 Feels like eyelash in eye with transient</p> <p>6 episodes of blurring last few min symptoms for</p> <p>7 two, three weeks. No weakness, ataxia,</p> <p>8 headache" -- and the rest is not relevant for</p> <p>9 the current questions.</p> <p>10 Does anywhere in there say that you</p> <p>11 complained about any incident with -- or</p> <p>12 alleged incident with Mr. Cooper that led you</p> <p>13 to have a history of depression?</p> <p>14 A I don't see nothing from the paragraph in</p> <p>15 which you were reading, and I'm following.</p> <p>16 However, what I want to explain to you,</p> <p>17 these was my health doctors for my physical</p> <p>18 health. I didn't know that they dealt with</p> <p>19 psychological health.</p> <p>20 So my primary doctor there, I asked him</p> <p>21 for a reference, and that's how I was</p> <p>22 introduced to other people.</p> <p>23 But I asked for a reference. I wasn't</p> <p>24 willing to discuss my mental health with a</p> <p>25 doctor that didn't have nothing to do with</p>	<p>1 Brooks</p> <p>2 that.</p> <p>3 Q And you said you asked for a reference and</p> <p>4 he gave you a reference; is that correct?</p> <p>5 A I don't recall if the first time when I</p> <p>6 went to see him, I don't recall if he gave me a</p> <p>7 reference that time. But the next time that I</p> <p>8 did, yes, he did.</p> <p>9 Q Because if you look on Page 17 under</p> <p>10 "Disorder of the eye unspecified," it says</p> <p>11 "Referral to New York Eye and Ear infirmary.</p> <p>12 Ophthalmology."</p> <p>13 And I don't see, unless you can point me</p> <p>14 where on this document that there is any</p> <p>15 referral for any sort of psychiatric care.</p> <p>16 Take a moment, if you'd like, to read the</p> <p>17 first few pages of that record that starts on</p> <p>18 Page 15 and ends on Page 17.</p> <p>19 So, please, if you can, to the extent you</p> <p>20 believe there's something in there, point me</p> <p>21 where you see anything about a referral to a</p> <p>22 psychiatric.</p> <p>23 A No.</p> <p>24 Just like I said to you just now, I don't</p> <p>25 recall if he gave it to me that time, but I do</p>

<p style="text-align: right;">Page 445</p> <p>1 Brooks</p> <p>2 remember mentioning it to him. But I'm quite</p> <p>3 sure that he -- that the next time he did give</p> <p>4 me a referral.</p> <p>5 Q Okay. So let's turn to Page 11, if you</p> <p>6 would.</p> <p>7 So approximately seven months later, in</p> <p>8 March 5, 2018, you again presented to Brooklyn</p> <p>9 Plaza Medical Center to see a physician there.</p> <p>10 It indicates that Dr. Pandya -- Dr. Pandya may</p> <p>11 have seen you on that date.</p> <p>12 And it says "Reason for Appointment. 41</p> <p>13 year old male here for follow up visit. Last</p> <p>14 seen by Dr. Nicome on February 20, 2018."</p> <p>15 It says "follow-up patient denies any</p> <p>16 lower back pain, complaints of episodes of neck</p> <p>17 spasm. No knee pain now. Feel depress not</p> <p>18 suicidal."</p> <p>19 Did you complain to Dr. Pandya on that</p> <p>20 date of your psychiatric depression or a</p> <p>21 request -- a -- psychiatric depression as a</p> <p>22 result of your incident or alleged incident</p> <p>23 with Mr. Cooper on July 21st?</p> <p>24 A Yes.</p> <p>25 Q You did?</p>	<p style="text-align: right;">Page 446</p> <p>1 Brooks</p> <p>2 A I didn't discuss with him in detail, but I</p> <p>3 complained to him that I was depressed, and it</p> <p>4 was because of the incident with Mr. Cooper.</p> <p>5 Q And so he did make a reference -- referral</p> <p>6 to you to psychiatry?</p> <p>7 A I'm not sure if he did it on that day or</p> <p>8 on another time I seen him. But that is the</p> <p>9 doctor I discussed it with.</p> <p>10 Q And now this is almost, I want to say,</p> <p>11 March 2018, this is almost a year and a half</p> <p>12 after that incident; is that correct?</p> <p>13 A Yes.</p> <p>14 Q Okay. And turn to Page 8 where it says,</p> <p>15 on the upper right-hand corner, dated March 14</p> <p>16 of 2018. It's about nine days later. This is</p> <p>17 when you went and saw Dr. Idowu or rather nurse</p> <p>18 practitioner Idowu.</p> <p>19 Is this where Dr. Idowu prescribed you</p> <p>20 with the medications that you testified to</p> <p>21 earlier?</p> <p>22 A Yeah, I believe so.</p> <p>23 Q Okay. And if you take a look at this, the</p> <p>24 date is March 14, 2018. This is the first time</p> <p>25 in any of these medical records that we have</p>
<p style="text-align: right;">Page 447</p> <p>1 Brooks</p> <p>2 any indication that you complained of a prior</p> <p>3 history of an incident that you alleged to have</p> <p>4 happened in July 2016.</p> <p>5 What was the reason that you waited to</p> <p>6 tell any of these doctor about this particular</p> <p>7 incident?</p> <p>8 A That's not true. I spoke to Dr. Culliford</p> <p>9 about it. That's how I got the prescription to</p> <p>10 begin with.</p> <p>11 Q And when did you talk to Dr. Culliford</p> <p>12 about it?</p> <p>13 A That was maybe a couple of months after</p> <p>14 the incident.</p> <p>15 Q Okay. And where is Dr. Culliford located?</p> <p>16 A I told you I don't really recall. I don't</p> <p>17 recall. I could get the information. But he</p> <p>18 was a part of my drug program. And he was in</p> <p>19 the same building as my drug program.</p> <p>20 Q And how would you go about getting that</p> <p>21 information?</p> <p>22 A I go could go through my records and</p> <p>23 find -- because I had to get a certificate of</p> <p>24 completion from them. And I believe the name</p> <p>25 of the organization is on there.</p>	<p style="text-align: right;">Page 448</p> <p>1 Brooks</p> <p>2 Q If I told you it was CSDENY?</p> <p>3 A That's it. That's exactly it.</p> <p>4 Q If I told you that we've contacted them</p> <p>5 and that they have no record of any records,</p> <p>6 medical records pertaining to you, would that</p> <p>7 be surprising to you?</p> <p>8 A Well, I contacted them for medical records</p> <p>9 and they told me that they had lost the file,</p> <p>10 and they actually -- they gave me a letter</p> <p>11 saying that it was they fault that they lost</p> <p>12 the file.</p> <p>13 MR. BARTOLOMEO: I now demand a copy of</p> <p>14 that letter?</p> <p>15 MR. SEIDENFELD: Did you provide that to</p> <p>16 us?</p> <p>17 MR. BARTOLOMEO: I have not seen that.</p> <p>18 MS. O'CONNELL: I don't know.</p> <p>19 BY MR. BARTOLOMEO:</p> <p>20 Q Well, I mean, have you produced that to</p> <p>21 your attorney, Mr. Brooks?</p> <p>22 A I'm not sure.</p> <p>23 Q I would ask that did you give that to your</p> <p>24 attorney, and that obviously you produce that</p> <p>25 in due course.</p>

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MR. BARTOLOMEO: Consider that a formal demand on the record.

Would you mark this now. I think we're on 18; is that correct?

THE COURT REPORTER: Mm-hmm.

(Deposition Exhibit 18, E-mail dated June 5, 2018, from Daniel Tolbert to Steven Seidenfeld, marked for identification as of this date.)

Q The record has just been placed before you, what's been marked for identification as Plaintiff's Exhibit No. 18. It's Bates Labeled at the bottom, CSEDNY01. Just take a quick moment to look at document, and then I'll ask you some questions.

I'm just going to describe the document. It's an e-mail from Daniel Tolbert to my colleague, Steven Seidenfeld, who is the attorney for The Doe Fund.

Daniel Tobert's e-mail address has an handle, @CSEDNY.org, as a representative of that facility.

It says "Dear Mr. Steven Seidenfeld, As per your request regarding information on

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Mr. Gregory Brooks, date of birth, July 19, '76, our records show no person of that name or date of birth at this program. Thank you."

Looking that that, Mr. Brooks, do you have an understanding why they say that they have no name -- no records -- excuse me, their records show no person of that name or date of birth at their program?

A Yes, I do.

Q And what's your understanding?

A My last name, Scott. They would have me under Scott.

Q So how often do you use Scott as a last name.

A Scott is my middle name.

Q I understand that. But you just told me that they would have you under a different name?

A That's because when I came from prison, that's my prison institutional name.

Q What is your prison institutional name?

A Gregory Scott.

So when I came from prison it was mandatory under parole that I had to do a drug

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program and alternative to violence program and, therefore, it had to be under the name of Gregory Scott.

MR. SEIDENFELD: I just want to put on the record that Ms. O'Connell, we've been trying to get these records for months. And this is information that would have helped us tremendously, and we're hearing this for the first time today.

MS. O'CONNELL: I haven't had any --

MR. SEIDENFELD: To the extent you -- going back to the fall of 2017 we've been trying to get these records. And for us to just hear this now, I just want to put on the record that it's -- we're very surprised to hear this.

MS. O'CONNELL: I'm just as surprised as you. I've been requesting the exact same records.

MR. SEIDENFELD: And I just want to say, instead of going through the process of us sending another HIPPA release, I would ask that you and Mr. Brooks just work to get these as quickly as possible.

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BY MR. BARTOLOMEO:

Q So when you say, Mr. Brooks, this was your "parole name" or "institutional name," what do you mean, since I am not familiar with that term?

A What I mean by that is, when I was arrested, when I told the police my name is Gregory Scott Brooks, he just wrote Gregory Scott. And, therefore, I guess he assumed that was my last name and not my middle name. So that became my official institutional record when I went up north and everything like that.

Because when I was on Rikers Island on a previous case, they had me as Gregory Scott Brooks, like I told them.

Q So when do use -- is there a particular circumstance when you use your name, Gregory Scott versus that when you use Gregory Brooks?

A No. I just told you the reason for the discrepancy.

Q No, I understand what the explanation is as to why there's a discrepancy.

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I'm saying now, going forward, when you were released from incarceration, you said that you were required to use your parole -- I don't know if you called it "parole name," or your institutional name" for certain purposes. I just want to understand what those purposes are, because I'm not familiar with how that works.

A Oh.

Like I was trying to explain to you, I had to take drug programs. And according to parole, I had to take it under that institutional name.

Q What other things, other than the drug programs?

A Drug programs, alternative to violence.

Q Anything else that you would have used Gregory Scott rather than Gregory Brooks?

A No, sir.

Q So if we asked the Brooklyn Plaza Medical Center whether they had records for a Gregory Scott, with your same Social Security and date of birth, they would say, no; is that correct?

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A They should have Gregory Scott Brooks, my complete name.

Q Okay. Have you used Gregory Scott with any other medical provider other than with the CSEDNY?

A No, not that I recall.

Q With employers, have used Gregory Scott with any employers since the time you were released from incarceration?

Have you used Gregory Scott with any employers?

A No, not that I recall.

Q Between the time that you were -- withdrawn.

Other than what you've already testified to, as to having seen somebody a few months after the incident, other than that medical provider, who else did you see between the time that you were released -- excuse me, between the time that the alleged incident occurred on July 21st, and the date when you first presented to Brooklyn Plaza Medical Center, which was in March -- August of 2017?

A Who else have I seen or seek to see?

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Q The question is: What other doctors or medical services did you seek in between the time you were -- that you allege the incident occurred on July 21, 2016, and the first time you went to this doctor -- this facility, excuse me, on August of 2017?

A I seen another doctor, which we've discussed.

Q Culliford?

A Robert. Robert something. I don't remember his last name. And other than him, I was going on my own kind of search for doctors. I was looking them up online, trying to see which ones that could accept my insurance. And I was not getting very good luck.

So I tried Bright Point. I went down and I spoke to them, and we were supposed to start me with speaking. Like I went through an intake process. And then when they were supposed to give me a psychologist to speak to, but I had work, work issues.

That's one of the reasons why I relapsed because I wasn't able to speak to anybody about the issues that I was dealing with.

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Q And when you say "relapse," you're talking about smoking marijuana?

A Yeah.

Q And approximately when was that; that was sometime in late 2017 or is that in early 2018?

A I don't remember when it restarted exactly.

(Recess taken.)

(Deposition Exhibit 19, Document Entitled "Plaintiff's Initial Rule 26(a) Disclosures," marked for identification as of this date.)

Q You said you wanted to clarify something.

A Yeah.

One of the problems -- one of the reasons you'll probably having problems getting those records from EEDY because we had a problem there.

The issues that I was speaking to with the therapist, the doctor/client privilege was violated. When I came in, other people from the organization that wasn't therapist, they were just a part of the drug program, they knew about the issue. So we had a problem with that. And I addressed it with them, that I was

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not happy that people had found out about it. So maybe that's probably one of the reasons why they are not coming up with the paperwork.

Q And you say, "other people in the program," meaning other people as part of the program, not The Doe Fund, you're not referring to The Doe Fund?

A No.

Q All right. Sounds good.

Well, we are well aware you had problems with it, that shouldn't have, of course, affected their legal requirements, not that this is your concern, for turning over records that we gave them with your name, address, Social Security number, and your signature saying that you authorized us to obtain copies of those records. So we can take that up with them.

Obviously, to the extent that, you know -- to the extent that upon receipt of additional records, Counsel, I am just going to reserve my rights.

Apparently these records have been sought out for some time. We have the right to bring

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the witness because, to the extent we want to question him on any information that's revealed or that's obtained with respect to his medical history.

Q I've now placed before you, Mr. Brooks, what's been marked for identification as Plaintiff's Exhibit 19.

At the bottom of this first page continuing on to Page 2 -- withdrawn.

Let me just describe this for the court reporter. This is what's been -- indicates at the top right-hand portion of the page, is "Plaintiff's Initial Rule 26a Disclosures," signed by Derek Smith on Page 3, dated September 18th of 2017.

Now, I'm not going to ask you if you prepared this document, Mr. Brooks, but I am going to ask you to look at the names listed towards the bottom of the first page and the top of the second page.

If you would just take a moment to review all those names; and once you've done that, please let me know.

I'm going to be asking you, in essence, if

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you've given me all the information that you had to tell me about these individuals that you wanted to share that's relevant to your lawsuit.

So if you would look them over with that question in mind.

A Okay. I looked over them.

Q So have you told us -- and I'm going to name just the names: Terry Cooper, James Washington, Anthony Wiggins, Dashell Porter, Eunice Gilmore, Elizabeth Hanson, Timothy Matthews, Ronald Holly, Mr. Bell, Paul Washington.

You've had an opportunity over the course of the last two days of your deposition, to tell us everything that you believe was relevant to the claims that you've brought forth in this lawsuit for each of these individuals.

Have you told us everything that you believe is relevant to the claims in this lawsuit with respect to those individuals that I've just mentioned?

A I believe so. To my recollection, yes.

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Q Is there anything you'd like to add with respect to any of those individuals?

A At this point, no. No.

Q I believe at some point --

A Oh --

Q Go ahead, if you have something further to say, go ahead.

A Well, I do know that when I first came into the organization, Dash Porter, he was my case manager. And I was very excited about being a part of The Doe Fund. I thought that it could be a career thing for me because it was something I wanted to get into. I wanted to get into helping people that came home from prison reestablish their lives. Because the transition to get back into work, to get back to stable living is really difficult for a prisoner. I know because I've been on that end of the road quite a few times.

After becoming, you know, starting to write and tell my stories through writing, I figured that that would be a very good asset to the organization, and I expressed that with Mr. Porter. And he thought so as well. He

<p style="text-align: right;">Page 461</p> <p>1 Brooks</p> <p>2 thought I could growth in the organization as</p> <p>3 well.</p> <p>4 But then, of course, after this situation,</p> <p>5 where I made the complaint, and it appeared to</p> <p>6 me that The Doe Fund wanted to attack the</p> <p>7 victim instead of the actual predator. It made</p> <p>8 me not want to be a part of the organization</p> <p>9 anymore.</p> <p>10 Q I understand that. But I was asking</p> <p>11 specifically with respect to the people that</p> <p>12 are named, do you have anything else that you</p> <p>13 want to add, about them, about actions that</p> <p>14 they took, statements that they made, or</p> <p>15 anything else that's in connection with the</p> <p>16 claims of discrimination, harassment,</p> <p>17 retaliation, or the other allegations and</p> <p>18 causes of actions set forth in the complaint?</p> <p>19 A I thought I was answering.</p> <p>20 So at this point, no, there's nothing else</p> <p>21 I want to add.</p> <p>22 Q Now, with respect to additional</p> <p>23 individuals, at some point you had -- or your</p> <p>24 attorney has communicated that there was a</p> <p>25 Julio, the Chelsea driver, Chelsea route</p>	<p style="text-align: right;">Page 462</p> <p>1 Brooks</p> <p>2 driver.</p> <p>3 Anything more regarding your</p> <p>4 claims -- withdrawn.</p> <p>5 What, if any -- withdrawn.</p> <p>6 Do you know what I'm referring to when I'm</p> <p>7 refer to Julio?</p> <p>8 A Yes, I do.</p> <p>9 Q And who is he?</p> <p>10 A He was one of the route supervisors for</p> <p>11 Chelsea Piers.</p> <p>12 Q Does he have any other involvement in this</p> <p>13 case, other than him having potentially</p> <p>14 overheard the alleged comments by Mr. Cooper</p> <p>15 that were made near or in the van?</p> <p>16 A No, sir.</p> <p>17 Q What contact or communications have you</p> <p>18 had with Julio since the date of the incident?</p> <p>19 A None whatsoever.</p> <p>20 Q And then there's a "A. Marshal."</p> <p>21 Do you know what A.'s first name is?</p> <p>22 Is it Anthony?</p> <p>23 A Yes.</p> <p>24 Q And Anthony Marshal, do you have any --</p> <p>25 other Mr. Marshal having -- made have heard the</p>
<p style="text-align: right;">Page 463</p> <p>1 Brooks</p> <p>2 alleged statements made by Mr. Cooper in or</p> <p>3 around the van, does he have any further</p> <p>4 knowledge about this matter?</p> <p>5 A There's recordings of Mr. Marshal</p> <p>6 describing Terry. And I believe that you have</p> <p>7 those recordings.</p> <p>8 Q And just so that you can summarize for us,</p> <p>9 what was your recollection of what Mr. Marshal</p> <p>10 said, with respect to how he described Terry?</p> <p>11 A It's been a really long time since I've</p> <p>12 listened to those recordings, sir.</p> <p>13 What I do know is he was saying that Terry</p> <p>14 was loose. He always talking homosexual shit.</p> <p>15 He said things to other people in his presence.</p> <p>16 Talking about people's penises, things of that</p> <p>17 nature.</p> <p>18 But do I remember everything that that man</p> <p>19 said, no, I do not.</p> <p>20 Q And have you had any contact or</p> <p>21 communication with Mr. Marshal since the time</p> <p>22 of the alleged incident?</p> <p>23 A Yes, I have.</p> <p>24 Q When was the last time you spoke to</p> <p>25 Mr. Marshal?</p>	<p style="text-align: right;">Page 464</p> <p>1 Brooks</p> <p>2 A Maybe a couple of months ago. It wasn't</p> <p>3 over the phone. It was via text.</p> <p>4 Q What was Mr. Marshal's title?</p> <p>5 A He was a cleaner as well, street cleaner.</p> <p>6 MR. BARTOLOMEO: And I'm going to demand a</p> <p>7 copy of those text message conversations. To</p> <p>8 the extent that you still have the text message</p> <p>9 conversation on your phone, to the extent that</p> <p>10 it's still there, I'd ask that you not delete</p> <p>11 it.</p> <p>12 Please provide a copy of screen shots or</p> <p>13 some other form of the message to your</p> <p>14 attorney, and that way we can have copies of it</p> <p>15 as well.</p> <p>16 MR. SEIDENFELD: You don't have to check</p> <p>17 now, Mr. Brooks.</p> <p>18 THE WITNESS: Okay</p> <p>19 MS. O'CONNELL: Don't worry about it.</p> <p>20 BY MR. BARTOLOMEO:</p> <p>21 Q Timothy Green, who is he?</p> <p>22 A He was also a cleaner.</p> <p>23 Q And, what, if any, information you believe</p> <p>24 Mr. Green possesses that's relevant to the</p> <p>25 claims in this lawsuit?</p>

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A Mr. Green knew extensively about Terry and his history and his sexual harassment that Terry did on a daily basis.

Mr. Green is the one who I found out that Terry had actually touched another man before me.

He actually was telling me about that, that Terry had touched somebody in the past at the Porter facility. And I got that on the recording, and I believe you have that recording as well.

Q And now, Mr. Green, did you tell him at any time that you had been touched by Terry or allegedly touched by Terry?

A No. I don't believe I told him at all. I think that this is a surprise for him. But he knew something happened with somebody. I don't know if he knew it was me, but he knew something happened with somebody.

Q Why, if any, did you have the conversation about Terry's past history with Mr. Green?

A It came up. He was talking about Terry. It came up. So I grabbed my phone and started recording. I didn't get the beginning of the

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conversation.

Me and him talked about The Doe Fund in totality, a lot. But he had been in The Doe Fund before me. He knew more about The Doe Fund than I did.

So when he started talking -- he was my roommate at the time. When he started talking about it. And when he started talking about Terry, I grabbed my phone and started recording.

Q Did he see you grab your phone and start recording; do you know he seen you grab your phone?

A I don't know if he seen it or not.

Q I mean, you'd have to turn on the phone, go to the voice recording software on the phone?

A Of course. But I don't know if he actually seen that or not. People always start handling their telephone. So he probably didn't know I was recording.

Q You said he was your roommate at the time, or at a time.

Would he have any knowledge or witnessed

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your allegations about being woken up early and not being allowed to sleep in?

A Yes.

Q He would have knowledge of those incidents?

A Yes.

He made a comment about that on another recording, but he was not my roommate at that time. I had another roommate altogether. But he was on the same floor as me in a different -- he was across the hall from me.

And he made mention to the fact that -- I didn't really interact with him at this point. And so when he mentioned that he spoke to James Stevens on my behalf, I was kind of surprised. And he told James Stevens, Like, yo, you know that man go to work -- you know what I'm saying -- at night. Why you making so much noise? And James Stevens was like, I don't give a fuck. Fuck him.

So we ended up having a pretty good rapport after having that conversation.

Q Any other knowledge that Tim -- Mr. Green has, that you believe he has, other than what's

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on the recordings they provided your attorney which she's provided us?

A I don't know.

Q When was the last time you spoke to Mr. Green, whether it be over a text message or on the phone or otherwise?

A Last -- a couple of months ago.

Q How many times have you spoken to Mr. Green since the beginning of this lawsuit?

A How many times have I spoken to him?

Q Yes, since the beginning of this lawsuit, since you filed the complaint.

A I don't know. I don't think --

Q Can you approximate for me.

Is it one, is it a thousand, somewhere in between?

A I can't tell you that. He was my roommate. I don't even know if we had the lawsuit going while we were roommates. I don't remember that.

Q Did you ever ask Mr. Green to submit any sort of statement on behalf of you in connection with this lawsuit?

Your attorney can't help you answer this.

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A I spoke to my attorney about Mr. Green, and my attorney --

Q Wait. Just one second. I don't want you to divulge any privileged conversations you had with your attorneys. I'm asking you a very specific question.

Did you speak to Mr. Green and ask him to provide any sort of statement in connection with this lawsuit?

A I asked him to speak to my lawyer. That's what I asked him.

Q Did he speak to your lawyer?

A I believe so, yes.

Q When was that?

A I don't know.

Q Do you know how many times he met your lawyer?

A I don't know.

Q Do you know if he actually met your lawyer?

A I don't know.

Q Did he tell you what they spoke about?

A No, I didn't speak to him after that.

Q And did he agree to speak with your

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lawyer?

A I don't recall.

Q Sitting here today, do you have any reason to believe that he actually did, in fact, speak with your lawyer?

A Yes, I believe he did speak to my lawyer.

Q Calvin Smith, who was that?

A He was also a cleaner.

Q Is he a resident of The Doe Fund?

A He was.

Q What kind of knowledge does Mr. Smith possess regarding the claims that you assert in this lawsuit?

A He knew about, you know, the things that Terry did at the facility, at the Gates facility.

Q To you or to other people?

The things you said -- the things Terry did, are you referring to the things you allege Terry did to you, or are you referring to the things you allege Terry did to other people?

A No, I'm referring to the things that he seen Terry doing throughout the building, period.

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Q Okay. Specifically, would he possess any knowledge with respect to the claims you've made against Mr. Cooper regarding the incidents you allege to have occurred on July 21st?

A Yes, I asked him to speak to my lawyer about it.

Q Other than Mr. Green and Mr. Smith, who else have you asked to speak to your lawyer about this case?

A Mr. Marshal.

Q That's Anthony Marshal?

A Yes.

Q And is he a former resident of The Doe Fund?

A I don't know if he's a resident right now. I'm not sure.

Q Okay. Anybody else other than the three individuals you've just mentioned?

A That I asked, no, not that I recall.

Q Do you know if either -- do you know if Mr. Smith spoke with your lawyer?

A I believe that he did.

Q And do you believe -- do you know if Mr. Marshal spoke with your lawyer?

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A I believe he did as well.

Q And did you speak to either of those individuals after they spoke to your lawyer?

A No.

Q Did you -- when you were having this conversation, where you asked him to speak to your lawyer, did you tell Mr. Marshal what had happened between you and Terry?

A I believe I gave him a brief understanding why I was asking him to contact my lawyer.

Q What was that brief -- tell me what the sum and substance of that brief --

A I believe I told him I got violated at The Doe Fund. And they was present, and they know about things that go on at The Doe Fund, so would they please contact my attorney and speak on what they know.

Q Okay. And you used the word "violated" right now, which earlier today I was asking you for that definition.

So does sexual misconduct or sexual touching also classifying as someone having violated someone?

A Yes.

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<p>1 Brooks</p> <p>2 Q And I believe that question before was</p> <p>3 with respect to Mr. Smith.</p> <p>4 But with Mr. Marshal, did you tell him and</p> <p>5 give him a brief synopsis of a brief summary of</p> <p>6 what you were alleging happened with</p> <p>7 Mr. Cooper?</p> <p>8 A Yes.</p> <p>9 Q And the same is true for Mr. Green?</p> <p>10 A No.</p> <p>11 Q And why if any -- why did you not tell</p> <p>12 Mr. Green a brief summary of what you alleged</p> <p>13 happened?</p> <p>14 A Oh, matter of fact, I think I did. I</p> <p>15 think -- yes, I did that also. I was trying to</p> <p>16 find it for you.</p> <p>17 Q No, no, no. That's fine. You can have</p> <p>18 time after we're all done here. You can look</p> <p>19 for us. I trust that you will do that.</p> <p>20 Other than the three individuals, Marshal</p> <p>21 Smith and Green, did you ask anybody else to</p> <p>22 speak with your attorney in connection with</p> <p>23 this lawsuit?</p> <p>24 A No.</p> <p>25 Q Kanise, who is that?</p>	<p>1 Brooks</p> <p>2 A Doe Fund employee.</p> <p>3 Q What knowledge would she have, if any,</p> <p>4 that's relevant to that claims that you've</p> <p>5 asserted in this lawsuit?</p> <p>6 A They are the HR department that was</p> <p>7 questioning me.</p> <p>8 Q They conducted or participated in your</p> <p>9 interview in connection with this --</p> <p>10 A Yes.</p> <p>11 Q -- complaint that you filed?</p> <p>12 A Yes.</p> <p>13 Q And your parole officer, what knowledge</p> <p>14 would they have, if any, about your claims</p> <p>15 asserted in this lawsuit?</p> <p>16 A I informed my parole officer the very next</p> <p>17 time that I seen her what had happened to me.</p> <p>18 Q And, what, if anything, did she tell you</p> <p>19 to do about it?</p> <p>20 A She asked me did I want to leave the</p> <p>21 facility. And I told her, no. I said Terry is</p> <p>22 not here. I think I'm all right. She said</p> <p>23 okay.</p> <p>24 Q All right. I'm just going to shift gears</p> <p>25 a little bit and try to run through your</p>
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<p>1 Brooks</p> <p>2 current and most recent work history, okay,</p> <p>3 Mr. Brooks.</p> <p>4 Last time we talked a bit about 4C.</p> <p>5 But you're currently employed at MaidPro,</p> <p>6 correct?</p> <p>7 A Yes.</p> <p>8 Q When did you start there?</p> <p>9 A I believe October of last year.</p> <p>10 Q October of last year, I'm sorry?</p> <p>11 A Yes, I believe so.</p> <p>12 Q And we're not going to hold you to the</p> <p>13 specific date. We can probably get those</p> <p>14 records.</p> <p>15 What is your title there?</p> <p>16 A Inventory supply specialist.</p> <p>17 Q And what are your hours that you work?</p> <p>18 Do you have a regular schedule?</p> <p>19 A From 9:30 a.m. until when I'm finished.</p> <p>20 Q Until what time?</p> <p>21 A Which is usually 4:30, 5 o'clock.</p> <p>22 Q Do you get paid by the hour?</p> <p>23 A I do.</p> <p>24 Q What do you get paid?</p> <p>25 A Minimum wage.</p>	<p>1 Brooks</p> <p>2 Q Which is what?</p> <p>3 A Thirteen.</p> <p>4 Q Thirteen dollars per hour?</p> <p>5 A Yes.</p> <p>6 Q Are you eligible for overtime as well?</p> <p>7 A I can do over time, if I want to.</p> <p>8 Q And what are your duties at that job?</p> <p>9 A I keep an account of the inventory. I</p> <p>10 count what comes in, what goes out.</p> <p>11 Yeah, I count what comes in more than what</p> <p>12 goes out; I keep records of it. Anything</p> <p>13 that's missing from the supplies, I note it. I</p> <p>14 keep the office maintained, cleaned. I put</p> <p>15 together the bags for the cleaners that's going</p> <p>16 out.</p> <p>17 Q And where --</p> <p>18 A Restock them.</p> <p>19 Q Sorry to interrupter you.</p> <p>20 A No problem. Go ahead.</p> <p>21 Q I was just going to ask you where do you</p> <p>22 report for work?</p> <p>23 What's the address, location?</p> <p>24 A 4647 Vernon.</p> <p>25 Q Vernon Avenue?</p>

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1 Brooks
2 A Boulevard.
3 Q And that's where?
4 A In Queens.
5 Q Did you ever work for a company called
6 United aeronautical?
7 A I did.
8 Q When did you work for United aeronautical?
9 A 2005, 2006, 2007, 2008, 2009, 2010.
10 Q And what about Jetrow?
11 A Yes.
12 Q When did you work there?
13 A I just got laid off from Jetrow about a
14 couple of week ago. Sales were down.
15 Q So you were working -- at the same time
16 you were working at MaidPro you were also
17 working at Jetrow?
18 A Yes.
19 Q And what were your hours at Jetrow?
20 A Yes.
21 Q And what were your hours?
22 A From 6:00 to 11:00.
23 Q 6:00 p.m. to 11:00 p.m.?
24 A Yes.
25 Q And you said you just got laid off, so

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1 Brooks
2 that was the end.
3 But when did you start working for Jetrow?
4 A I can't remember the date that I started.
5 I could get you that information. But it's
6 been a few months, a couple of months,
7 something like that.
8 Q Okay. And what was your title there?
9 A I was the backstock.
10 Q Backstock?
11 A Yes.
12 Q And who was your supervisor, if you had
13 one?
14 A I didn't really have a direct supervisor
15 because that position was a unique position. I
16 just put the stock back from what the buyers
17 left over. So I didn't really have nobody over
18 me on that.
19 Q And was there a -- did you get paid
20 hourly?
21 A I did.
22 Q And what was your -- what were you getting
23 paid?
24 A Minimum wage.
25 Q And were you eligible for overtime there?

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1 Brooks
2 A Yes.
3 Q Little Lamb, when did you work there?
4 A That's the same as MaidPro. These are the
5 people who pay the checks.
6 Q Okay. So Little Lamb is who you get paid
7 from, but you actually work for MaidPro; is
8 that correct?
9 A Yes.
10 Q And what about Wild Cat?
11 A That was a job through the welfare.
12 Q Okay. When did you work at Wild Cat?
13 A A few months ago.
14 Q It was when you stopped working there?
15 You started working there a few months
16 ago?
17 A No, I stopped working there a few months
18 ago. I don't remember when I started.
19 Q What was your title there?
20 A Cleaner.
21 Q Cleaner?
22 A Yes.
23 Q And were you paid hourly?
24 A Yes.
25 Q And what were you paid?

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1 Brooks
2 A Minimum wage. That was a temporary job.
3 Q Did you work a normal schedule, like a
4 Monday through Friday, 40 hours a week?
5 A Yeah.
6 Q And what were your hours that you were
7 working?
8 A I don't -- I don't really remember. I
9 know it was from the morning, maybe from 8:00,
10 something like that.
11 Q And where was Wild Cat located, or where
12 is it located?
13 A It's located somewhere around here, the
14 head office. But this is not where I reported
15 to.
16 Q Okay.
17 A We do work in the shelters.
18 Q So it would be various locations?
19 A Yeah, they have various shelters that they
20 work in.
21 Q Have you worked in any other places other
22 than Wild Cat, Jetro MaidPro, since you stopped
23 working at 4C?
24 A No, not that I remember, no.
25 Q And since -- withdrawn.

<p style="text-align: right;">Page 481</p> <p>1 Brooks</p> <p>2 I think I'm just going to take a look at</p> <p>3 this briefly. And, you know, I'll reserve the</p> <p>4 rest of my time should I need it at some other</p> <p>5 date. But I believe I am pretty much complete</p> <p>6 with my portion of the testimony at this time.</p> <p>7 So if you just give me five minutes, take</p> <p>8 a look at this. If I have anything left, I'll</p> <p>9 continue.</p> <p>10 (Discussion off the record.)</p> <p>11 (Recess taken.)</p> <p>12 MR. BARTOLOMEO: So thank you for your</p> <p>13 patience today, Mr. Brooks.</p> <p>14 Just for the record, to the extent that</p> <p>15 there's any time remaining, I obviously reserve</p> <p>16 that time to conduct a further deposition of</p> <p>17 the plaintiff and, of course, given the fact</p> <p>18 that we just learned today about the medical</p> <p>19 records issue, I'm also reserving my right to</p> <p>20 call the witness back to explore those medical</p> <p>21 records upon receipt of those medical records.</p> <p>22 BY MR. BARTOLOMEO:</p> <p>23 Q Mr. Brooks, I have one last question for</p> <p>24 you today.</p> <p>25 Have you told me everything that you</p>	<p style="text-align: right;">Page 482</p> <p>1 Brooks</p> <p>2 believe is relevant to the allegation in the</p> <p>3 claims that you have brought against</p> <p>4 Mr. Cooper?</p> <p>5 A I believe so.</p> <p>6 MR. BARTOLOMEO: Okay. I have no further</p> <p>7 questions at this time.</p> <p>8 MR. SEIDENFELD: I'm going to continue my</p> <p>9 deposition in a minute, but I need to take a</p> <p>10 five-minute break.</p> <p>11 (Recess taken.)</p> <p>12 (Deposition Exhibit 20, Document Entitled</p> <p>13 "Notification of Bed Change Assignment," marked</p> <p>14 for identification as of this date.)</p> <p>15 EXAMINATION BY</p> <p>16 MR. SEIDENFELD:</p> <p>17 Q All right. Mr. Brooks, I know it's been a</p> <p>18 long day. Thank you for bearing with us. I</p> <p>19 know it's been a long day. I'm going to hand</p> <p>20 you what's been marked as Plaintiff's</p> <p>21 Exhibit 20.</p> <p>22 Mr. Brooks, I've just handed you what has</p> <p>23 been marked as Plaintiff's Exhibit 20.</p> <p>24 Have you seen this document before?</p> <p>25 A It's possible that I seen this.</p>
<p style="text-align: right;">Page 483</p> <p>1 Brooks</p> <p>2 Q You testified last week when we met that</p> <p>3 you had -- at some point you had your room</p> <p>4 moved from the third floor to the first floor,</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q And is this document referencing that?</p> <p>8 A Yes.</p> <p>9 Q This is the date when it happened, May 1,</p> <p>10 2017?</p> <p>11 A I don't remember the actual date.</p> <p>12 Q Was it around this time?</p> <p>13 A I can't say.</p> <p>14 Q Any reason to believe that this document</p> <p>15 is not correct?</p> <p>16 A I can't say that it's not correct.</p> <p>17 Q Is that a "no"?</p> <p>18 A I can't say that it's not correct.</p> <p>19 Q Okay. And you moved out of the Gates</p> <p>20 Avenue facility in July 2017?</p> <p>21 A I don't remember the actual date. I</p> <p>22 didn't move out, I was kicked out.</p> <p>23 Q It was July 2017, around then, the best</p> <p>24 you recall?</p> <p>25 A Yeah.</p>	<p style="text-align: right;">Page 484</p> <p>1 Brooks</p> <p>2 Q Okay. Isn't it true before you left the</p> <p>3 Gates Avenue facility, that you already</p> <p>4 arranged -- that you had already lined up the</p> <p>5 apartment at 630 Howard Avenue?</p> <p>6 A Yes.</p> <p>7 I was waiting to move in. They were doing</p> <p>8 some work on it.</p> <p>9 MR. SEIDENFELD: This is going to be 21.</p> <p>10 (Deposition Exhibit 21, Document Entitled</p> <p>11 "Client Acknowledgment of Responsibility Form,"</p> <p>12 marked for identification as of this date.)</p> <p>13 Q Mr. Brooks, I've just handed you what's</p> <p>14 been marked as Plaintiff's Exhibit 21. I want</p> <p>15 you to just to look at document bearing Bates</p> <p>16 No. TD5 through 8.</p> <p>17 MR. BARTOLOMEO: I want to say, for the</p> <p>18 record, Plaintiff's Exhibit 20 is a document</p> <p>19 bearing Bates No. Brooks 251.</p> <p>20 Q Back to Plaintiff's 21, Mr. Brooks, I just</p> <p>21 want you to look at the bottom of TDF5.</p> <p>22 Is that your signature where it says</p> <p>23 "signature" next to your name?</p> <p>24 A Yes, it is.</p> <p>25 Q Okay. Have you seen this document before?</p>

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<p>1 Brooks</p> <p>2 A I obviously seen it before.</p> <p>3 Q Okay. Because you signed it.</p> <p>4 You wouldn't have signed it unless you</p> <p>5 read it?</p> <p>6 A I can't say that. Sometimes I just glance</p> <p>7 over stuff.</p> <p>8 Q Okay. You at least glanced over what's</p> <p>9 here, correct?</p> <p>10 You would have at least glanced at what's</p> <p>11 on this page, correct?</p> <p>12 A Yeah, for the most part. That's what I</p> <p>13 do. For the most part.</p> <p>14 Q Okay. Take a look at the last page of the</p> <p>15 document, TDF008. Very last page.</p> <p>16 Next to where it says "Gregory Brooks" and</p> <p>17 your signature, that's your signature?</p> <p>18 A Yeah, that's my signature.</p> <p>19 Q And if you going back to TDF 006. It's</p> <p>20 the "Statement of Client Rights and DHS Code of</p> <p>21 Conduct," and "New York City Department of</p> <p>22 Homeless Services," that's what it says there?</p> <p>23 A Yes.</p> <p>24 Q And this is a document that lays out your</p> <p>25 rights and the code of conduct.</p>	<p>1 Brooks</p> <p>2 Q What's expected of you by the Department</p> <p>3 of Homeless Services by New York City, correct?</p> <p>4 A Yes.</p> <p>5 Q Okay. And if you go back to the first</p> <p>6 page of the document, the first page.</p> <p>7 A Mm-hmm.</p> <p>8 Q Title of TDF -- document with the Bates</p> <p>9 No. TDF0005, is called "client Acknowledgment</p> <p>10 of Responsibility Form," correct?</p> <p>11 A Yes.</p> <p>12 Q And this is something that would have been</p> <p>13 given to you by the Department of Homeless</p> <p>14 Services when you entered the Gates Avenue</p> <p>15 facility, correct?</p> <p>16 A It's possible.</p> <p>17 Q If you look at date where you signed it,</p> <p>18 you see it's 6/28/16, correct?</p> <p>19 A Mm-hmm.</p> <p>20 Q And that's about the time you entered the</p> <p>21 Gates Avenue facility?</p> <p>22 A I don't know exactly when I entered the</p> <p>23 Gates Avenue facility.</p> <p>24 Q It was around then, the June 2016, even if</p> <p>25 you don't know the exact date?</p>
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<p>1 Brooks</p> <p>2 A Yeah, that might be right.</p> <p>3 (Deposition Exhibit 22, Document</p> <p>4 Bates-Stamped TDF158, marked for identification</p> <p>5 as of this date.)</p> <p>6 Q Mr. Brooks, I've just handed you what's</p> <p>7 been marked as Plaintiff's Exhibit 22, Bates</p> <p>8 No. TDF000158.</p> <p>9 Have you seen this before?</p> <p>10 A I can't say that I have.</p> <p>11 Q Has anyone ever discussed with you -- do</p> <p>12 you know -- the document is titled "Policy for</p> <p>13 Late Night/Overnight Passes: Effective June 1,</p> <p>14 2014."</p> <p>15 Do you see that?</p> <p>16 A I see it on the page.</p> <p>17 Q It says "To: All Gates Clients."</p> <p>18 A It say "Re: Passes for Gates Avenue</p> <p>19 Clients," correct.</p> <p>20 A Yes.</p> <p>21 Q It doesn't make reference -- strike that.</p> <p>22 (Deposition Exhibit 23, Document</p> <p>23 Bates-Stamped TDF24 through TDF25 and</p> <p>24 Bates-Stamped TDF9 through TDF23, marked for</p> <p>25 identification as of this date.)</p>	<p>1 Brooks</p> <p>2 A I never received a copy of this.</p> <p>3 Q Of what?</p> <p>4 A Exhibit 22.</p> <p>5 Q Okay. That's fine.</p> <p>6 You have your testimony.</p> <p>7 MR. SEIDENFELD: Can we go off the record</p> <p>8 for just one moment.</p> <p>9 (Recess taken.)</p> <p>10 BY MR. SEIDENFELD:</p> <p>11 Q Mr. Brooks, I've given you what's been</p> <p>12 marked as Plaintiff's Exhibit 23, which</p> <p>13 document bearing Bates No. TDF24 and 25 and</p> <p>14 TDF9 through 23.</p> <p>15 Have you ever seen this before?</p> <p>16 A I can't say that I have.</p> <p>17 Q So to the extent that these are the case</p> <p>18 notes from when you met with Mr. Porter and</p> <p>19 Mr. Young, to the extent that it says in here</p> <p>20 that they showed you the late pass policy,</p> <p>21 would you have any reason to doubt that that's</p> <p>22 not correct?</p> <p>23 A Well, I never seen a late night policy.</p> <p>24 They would give me a late pass when I asked for</p> <p>25 one, or when I showed them my schedule for</p>

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work, they would give me a late pass. But they never --

Q Anyone ever explained to you what the policy was, whether you've seen the late pass policy or not?

A I got explained the late pass policy when they took my overnight visits. And they said that that was because I was no longer a part of the program.

(Deposition Exhibit 24, File Entitled "Late Night MW," marked for identification as of this date.)

Q I'm going to introduce as Exhibit 24, the file you produced called "Late Night MW," which is shown as last modified 7/29/16. I'm going to play from one minute to 2 minutes and 42 seconds.

(Tape Playing.)

Q Mr. Brooks, was that a record that you produced in this litigation?

A Yes, it was.

Q That was you speaking to Mr. Washington?

A Yes.

Q He was explaining to you the late pass

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policy?

A Okay.

Q Is that a "yes"?

A Yes, he was.

Q And what he was explaining to you was consistent with what is on document -- which is on Plaintiff's 22, that if you're in the program -- if you look at the chart at the bottom of the page.

If you're in the program 30 to 60 days, you get two late passes and no overnight passes; that's what it says there?

A Mm-hmm.

Q And that's what Mr. Washington told you?

A That's what he said.

MR. SEIDENFELD: I'm going to go off for a minute. Off the record.

(Recess taken.)

Q All right. Mr. Brooks, the reason that you were asked to leave Gates Avenue was for a curfew violation?

Whether you agree with the decision or not, that's what you were told?

A Yes.

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Q Are you aware of other people being asked to leave the facility because of curfew violations?

A No.

Q Is it possible that there were people who have been asked to leave because of curfew violations that you weren't aware of?

A I don't know.

Q You don't know the reason why everyone who was asked to leave Gates Avenue?

A I don't know. I don't even know when people were asked to leave. I'm not in people's business like that.

So if I see somebody one day, and I don't see them another, it's not -- it's not my business or like -- because I don't socialize with them.

You know what I mean?

So if I don't see somebody, it's just I don't see them.

Q Okay. So you don't -- other than yourself, you don't know the reasons why anyone was asked to leave the Gates Avenue facility?

A No.

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Brooks

Q I want to ask you a couple of questions about your claim for intentional infliction of emotional distress.

Do you have any evidence that The Doe Fund directed Mr. Cooper to engage in the conduct that he did?

MR. SEIDENFELD: Objection.

Q You can answer.

A I don't know.

Q Any evidence that -- so, is that a "no"?

A I don't know.

Q Okay. Any evidence that it was part of Cooper's role as an employee at The Doe Fund to engage in the conduct that you allege?

MR. BARTOLOMEO: Objection.

MS. O'CONNELL: Objection.

A I don't know.

Q You, in your interrogatories, said a supervisor, Vernon, first name may be Bergis.

A Bergis?

Q You allege he retaliated against you?

A Yes.

Q What's the basis for your belief he retaliated against you?

<p style="text-align: right;">Page 493</p> <p>1 Brooks</p> <p>2 A Well, he was giving me a hard time from</p> <p>3 day one. When I got on the Vernon route, he</p> <p>4 was trying to sneak up on me and catch me not</p> <p>5 working and take pictures of me. However, he</p> <p>6 kind of caught me working, but I observed him.</p> <p>7 And he was always making trouble for me. He</p> <p>8 was always coming and saying something crazy.</p> <p>9 So one particular day I remember it was</p> <p>10 raining and I -- it was raining outside and I</p> <p>11 went underneath something to get out of the</p> <p>12 rain. And he came yelling at me talking about</p> <p>13 why I was not working. I said, Yo, you see</p> <p>14 that it's raining. And when it's raining, we</p> <p>15 generally get out of the rain.</p> <p>16 And in all my other sites, that's what I</p> <p>17 was taught that when it's raining, we get out</p> <p>18 of the rain. And so he started yelling at me</p> <p>19 and everything and told me to get back to work.</p> <p>20 Q Anything else?</p> <p>21 A I can't remember everything that he did.</p> <p>22 But I know every time I worked with him, he</p> <p>23 created a problem between him and I. And I</p> <p>24 didn't understand why until I found out that he</p> <p>25 was actually right under Mr. Wiggins.</p>	<p style="text-align: right;">Page 494</p> <p>1 Brooks</p> <p>2 Wiggins had trained him and everything</p> <p>3 like that. So then it started to make sense</p> <p>4 why he would target me and start messing with</p> <p>5 me.</p> <p>6 Q So did you tell Mr. Bergis about what</p> <p>7 happened -- you allege happened between you and</p> <p>8 Mr. Cooper?</p> <p>9 A No, I did not.</p> <p>10 Q Did you witness anybody else tell him?</p> <p>11 A No.</p> <p>12 Q The only basis that you have to believe</p> <p>13 he's even aware of the complaint you made is</p> <p>14 based on your opinion?</p> <p>15 MS. O'CONNELL: Objection.</p> <p>16 Q You can answer.</p> <p>17 A I don't know.</p> <p>18 Q So what's your basis?</p> <p>19 I'm asking you that --</p> <p>20 A I told you.</p> <p>21 MS. O'CONNELL: Objection.</p> <p>22 A I told you I believe that, you know, that</p> <p>23 it was through Wiggins.</p> <p>24 Q So you believe Wiggins told him?</p> <p>25 Did you witness any conversation between</p>
<p style="text-align: right;">Page 495</p> <p>1 Brooks</p> <p>2 Mr. Bergis and Mr. Wiggins wherein they</p> <p>3 discussed this?</p> <p>4 A No, I did not.</p> <p>5 Q And you didn't tell Mr. Wiggins?</p> <p>6 A No, I did not?</p> <p>7 A And you've never witnessed any</p> <p>8 conversation where anyone told Mr. Wiggins?</p> <p>9 A No, I did not.</p> <p>10 MR. SEIDENFELD: At this point I don't</p> <p>11 have anything further.</p> <p>12 But based on Mr. Brooks' testimony last</p> <p>13 Friday, the fact that his complaint contains 14</p> <p>14 separate causes of action. The fact that we</p> <p>15 represent both The Doe Fund and Mr. Washington,</p> <p>16 we reserve the right to go to the judge to ask</p> <p>17 for more time for his deposition, to the extent</p> <p>18 we need it to cover the causes of action.</p> <p>19 In addition, based on the testimony today</p> <p>20 from Mr. Brooks, that there are medical records</p> <p>21 that my office has spent countless hours</p> <p>22 seeking, going back to November, and call after</p> <p>23 call, and paralegal spending countless hours</p> <p>24 trying to get those records, we just found out</p> <p>25 today that, based on Mr. Brooks' testimony,</p>	<p style="text-align: right;">Page 496</p> <p>1 Brooks</p> <p>2 that we had received from Mr. Brooks and his</p> <p>3 attorney, information that was not correct,</p> <p>4 which had inhibited us from being able to get</p> <p>5 those documents that we had been seeking.</p> <p>6 So we also reserve the right to bring</p> <p>7 Mr. Brooks back, to the extent we get those</p> <p>8 records and we have additional questioning on</p> <p>9 them.</p> <p>10 And as I mentioned earlier, I would</p> <p>11 request to Ms. O'Connell, to speed this up,</p> <p>12 given the late date of this disclosure, that</p> <p>13 she work with Mr. Brooks directly to get these</p> <p>14 records to us so we don't have to go through</p> <p>15 the process of doing -- of us issuing HIPAA</p> <p>16 releases and sending them. And I think if, you</p> <p>17 know, Ms. O'Connell or Mr. Brooks reaches out</p> <p>18 to these people more directly, we'll be able to</p> <p>19 get them, and I would get them more</p> <p>20 expeditiously.</p> <p>21 And I would request that you get them to</p> <p>22 us by next Friday. And if not, like I said, we</p> <p>23 would have to seek judicial intervention.</p> <p>24 With those statements, I have nothing</p> <p>25 further for now.</p>

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MS. O'CONNELL: I would like to add to the record that I did not have any knowledge that he was going by the name of solely Gregory Scott, at any time. So I don't want that to be an implication on my part. And it's to my knowledge today that he was just using the name Gregory Scott; it's the first time I'm hearing it. And it doesn't apply to all medical records.

And I checked with my client, and it would solely be stemming from documents from his arrest and imprisonment, which could be solely documents related to parole. And the medical documents related to the parole would be those from the drug rehab programs -- drug programs, specifically, CSDNY, which had the program alternative to violence.

And I will be requesting those documents. We have been independently attempting to get those documents. And my client has independently attempted to get those documents himself.

MR. SEIDENFELD: This isn't going towards my time.

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But to the extent you knew there was an issue with the releases that you provided us, I just want to put on the record, you haven't told us there was an issue with them. To the extent that you have been trying to get them independently, that should have been pointed out to us, and we could have saved a lot of time and effort on our part trying to get records using incorrect releases.

MS. O'CONNELL: Wait, are you saying that I knew?

Because I just told you I didn't know.

MR. SEIDENFELD: You just said we've been working to get them independently.

MS. O'CONNELL: We've been trying. We've been trying to get all documents independently.

THE WITNESS: But The Doe Fund knew both of my last names. They have a copy of my institutional ID.

FURTHER EXAMINATION BY

MR. SEIDENFELD:

Q What's your basis for that knowledge?

A They have a copy of my institutional ID that says Gregory Scott.

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The ID that I got, that came from prison, I had to hand over to them, and they have a copy of that.

Q I have to ask you a couple more questions.

So, Mr. Brooks, you, at some point in this case, received from your counsel, releases that my office had sent to you and asked you to sign?

A What, HIPAA records?

Q Yes.

You signed those releases?

A Yeah.

Q And it didn't occur to you that since you had already gone by another name that you should inform your counsel that there might be records available under an alternative name?

A No, I didn't know that you'll was looking for anything prison related.

Q Well, the CSEDNY had records that were not prison related.

And, in fact, you testified that that was the first place where you received the prescription for Mirtazapine, which is directly relevant to this case; is that correct?

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A It is prison related because I went there through parole.

MR. SEIDENFELD: I have nothing further.

MR. BARTOLOMEO: I have nothing further at this time.

(Time noted: 5:40 p.m.)

GREGORY BROOKS

Subscribed and sworn to before me
this _____ day of _____, 2018.

CERTIFICATE
STATE OF NEW YORK)
:SS
COUNTY OF NEW YORK)

I, MICHELLE COX, a Notary Public within
and for the State of New York, do hereby
certify:

That GREGORY BROOKS, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of June 2018.

MICHELLE COX, CLR

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Responses and Objections to
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Exhibit 11 Document Entitled "Appeal from 392
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Case Name: Gregory Brooks v. The Doe Fund, et al.
Dep. Date: June 15, 2018
Deponent: GREGORY BROOKS
Pg. Ln. Now Reads Should Read Reason

Pg.	Ln.	Now Reads	Should Read	Reason
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[illegible]

GREGORY BROOKS

Subscribed and sworn before me

This _____ day of _____, 2018.

(Notary Public) MY COMMISSION EXPIRES: